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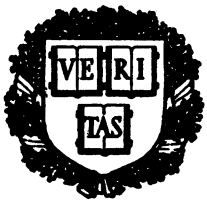

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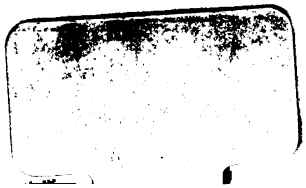

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THE

CALCUTTA REVIEW,

VOLUME XLII.

1866.

'No man, who hath tasted learning, but will confess the many ways oe profiting by those, who, not contented with stale receipts, are able to managf and set forth new positions to the world: and, were they but as the duso and cinders of our feet, so long as in that notion, they may yet serve te polish and brighten the armoury of truth, even for that respect, they wert not utterly to be cast away.'—MILTON.

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THE

CALCUTTA REVIEW.

No. LXXXIII.

ART. I.—**The Religious Excavations of Western India: a Lecture delivered in the Townhall of Bombay by John Wilson,* D.D., F.R.S.

EVERY country of the East has its own peculiar antiquarian wonders, illustrating its ancient history and the powers, resources, and occupations of the early generations of its people. In Egypt, 'the land of ancient kings,' we find temples and obelisks, and sphinxes, and excavated and structural tombs (among the last of which are the mimic mountains, the pyramids), with their no longer mysterious hieroglyphics and with their still enduring paintings and drawings (on walls, pillars, tablets, sarcophagi, papyri, rings, and other moveable objects), still recording the genealogies, enterprizes, and exploits of these kings, from Menes to Ptolemy; and unfolding the social and religious life, and manners, and customs, of the people over whom they ruled, and of the tribes and nations who were tributary to them, or held in bondage by them, or with whom they maintained commercial intercourse. In the Mount Sinai peninsula, we have the inscriptions on numerous rocks and stones (in the Written Valley, and other localities), recording the names and simple prayers of Nabathean and Arabian shepherds, wanderers, and pilgrims to that hallowed locality; and the monuments and excavations and cuttings of Megharah, Sarabut al-Khadim, and the north of the Mukattab, revealing to us the mining system of the Pharaohs from the eighteenth to the eighth century before the Christian era, when the man of cunning employed by them put forth his hand upon the rock, overturned the mountains by the roots, and by his eye searched every precious thing. On the summit of mount Hor, we find the oft-constructed and renewed tomb of the venerable Aaron, the brother of Moses; and, embosomed in its neighbouring Seir, the pride and glory of Edom, what, so early as the times of the

* We are enabled by the courtesy of Dr. Wilson to present this interesting lecture as an article to the readers of the Calcutta Review.

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Israelitish David and Amaziah, was denominated Selah, the city of the rock, (in Greek Petra), the name which it still bears, and whose excavated tombs, temples, cisterns, aqueducts, and private dwellings, with their beautiful façades and colonnades, in union with what a French traveller calls 'the most enchanting picture which nature has wrought in her grandest mood of 'creation,' form the most wonderful combination of art and nature to be found in the world. In the land of Israel, as at Hebron at the tomb of Abraham, still bearing alike with Jew and Arab the designation of the 'friend of God,' and in the remains of the temple enclosure at Jerusalem, we have specimens of the Phenician masonry, procured by Solomon, more than cyclopean in dimensions. At Baalbek in Cæle-Syria, and at the neighbouring Palmyra in the wilderness, we have the remains of the boldest, noblest, grandest, and most magnificent architecture which, in the judgment of both science and taste, has yet been erected on the face of the globe. Mesopotamia, the seat of the most ancient empires in the world, has yielded, from its disentombed palaces, the records and illustrations,—graven with an iron pen on stone, or printed on clay, or painted on the facings of the walls,—of the earliest monarchs of the earth, extending to upwards of two thousand years before Christ, and of the Assyrian or Babylonian sovereigns from Tiglathpelezer I. B. C. 1150, down to Nabonidus of the sixth century before our own era. At Behistun, in Persia, the history of the Achamenian kings has been found briefly written, in an auto-biographical form, with more than the precision, though with less than the simplicity, of Herodotus, while Persepolis and its neighbourhood furnish memorials of their enterprize which are not to be despised either by genius or art, though they are not altogether of an original character. India has its structural temples, its 'topes,' its pillars, its láths, its tablets, and its sháshans, and above all its rock excavations, which reveal its character and resources in the days of old, indicate its early advancement in a peculiar civilization, and throw great light on the history of its varying religion, and the manner and means of its sustentation and propagation.

These wonders, so far as they were observed, we need scarcely say, have for many ages, till lately, been addressing more the imagination than the intelligence of man. Though the monuments and memorials of those who made the earth to tremble, who did shake kingdoms, they had long ceased to tell the story, or even to indicate the names, of their authors. None of the sons of the countries in which they are found could unfold their mysteries. Though patent to all they were but little understood,

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even by the curious travellers and antiquarians from the lands of light. Their re-interpretation, after ages of forgetfulness, was reserved for the nineteenth century. The hieroglyphical engravings and enchorial writings of Egypt were unbroken mysteries till our own age produced its Youngs, Champollions, Wilkinsons, Rosselinis, Lepsiuses, and Bunsens. The written rocks of Sinai only set their beholders adreaming (as they still do in the case of the visionary Forster) till deciphered and translated by a Beer and a Tuch within the quarter of a century. It was in our own childhood that the enterprizing Burckhardt entered the natural gateways of Petra, and by his descriptions allured to it at a later day a Laborde and a Linan and others,who have given us the veritable picture of the whole locality,with rational explanations of most of its peculiarities. Pilgrims to Jerusalem could point us to innumerable spots for the identification of which no data are to be found, as that at which the cock crew to the apostle Peter; but they could not even observe till a short time ago the gigantic foundations and structures of the ages of Solomon and of Herod. The pencil and pen of a Wood and a Dawkins, in 1751, could most accurately pourtray the temples of Baalbek and the palaces of Palmyra; but historical light on these unsurpassed structures has, in any considerable degree, been a late communication to the curiosity of Europe. The excavation and interpretation of the tablets and sphinxes and stellæ of Niniveh was only accomplished, a few years ago, by our Bottas and Layards. The inscriptions of Behistun, though partially copied and deciphered by others, were not read till the appearance of our own Rawlinson. The antiquities of India were all ascribed by the natives of the country to the *Pándavas* in their mythical character, and viewed as homogeneous embodiments of Hinduism, till their special and varied characters as belonging to different religious systems, Buddhist, Brahmanical, and Jaina, were pointed out and expounded by the learned William Erskine of Bombay; and till their inscriptions began to be deciphered by a Prinsep, a Wathen, and their friendly associates. The antiquities of India were not only not understood, but completely misinterpreted, till they passed under observation and research in our own time. Natives and Europeans alike fell into what must now appear the most palpable errors respecting them. With the Brahmans, the Buddhist *Dhagobs* at Kárlá and other places were only enormous *Lingas*. With the same parties, at Elora, the *Therawádá* or monastery, the residence of the Theros, was the *Dhedwád*, or abode of the outcast Dhéds; *Buddha* himself in his deepest abstraction was the Brahmanical artificer, *Vishvakarma* holding his cut finger in

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his workshop; and the Buddhist and Jaina temples to the north, were the Brahmanical *Jagannatha Sabhá*, the *Indra Sabhá*, and so forth. Buddhism, to which the most extensive and magnificent remains belong, was completely ignored by them. Europeans made scarcely more absurd descriptions and interpretations of what fell before their notice, or entered the sphere of their research. The Portuguese historian de Couto, founding on the accounts given by his countrymen resident in India, thus speaks of the caves of Kánherí in Salsette. 'In the 'centre of this island there exists that wonderful Pagoda of 'Canari, thus called from its being supposed to have been the 'work of the Canaras. It is constructed at the foot of a great 'hill of stone, of light grey colour; there is a beautiful hall at 'its entrance, and in the yard that leads to the front back-door, 'there are two human figures engraved on the same stone, twice 'as big as the giants exhibited on the procession on the Corpus 'Christi Feast in Lisbon, so beautiful, elegant, and so well exe- 'cuted, that even in silver they could not be better wrought and 'made with such perfection. This front door has some cisterns 'hewn out of the same rock, which receive the rain water, and it 'is so cold in the summer, that there is no hand that can bear it. 'From the foot to the top of the hill there are more than three 'thousand small rooms like cells, cut out of the same rock in the 'shape of snail shells, and each of them has a cistern with the 'same water at the door; and what is more to be wondered at is, 'that there is an aqueduct constructed so ingeniously, that it 'passes through all the three thousand apartments, receives all 'the water from that hill, and supplies it to the cisterns that are 'at the doors of the room. During the residence of the Rev. 'Fre Antonio de Porto, in the church of St. Michael, he was told 'by the Christian whom he had converted, that there was a 'labyrinth in that hill, whose end had never been traced, and it 'was moreover stated that it extended as far as Cambay. The 'priest, desirous of getting in to see this wonder and the magni- 'tude of this work about which so much was said, took one of 'his companions, and collected twenty persons with arms and 'matchlocks to defend themselves against wild beasts, and some 'servants to carry the necessary provisions for the journey, *viz.* 'water, rice, biscuits, vegetables, etc., and some oil for the 'torches, which were taken to light the place, in order that they 'might see their way through; and they also took three persons, 'provided with bundles of strong ropes for the purpose of lay- 'ing alongside of their way as they proceeded, as was done by 'those who entered the labyrinth of Crete. Thus prepared, they 'entered the caves by an entrance about four fathoms in breath,

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where they placed a large stone, to which they fastened the point of the ropes. They travelled through the caves for seven 'days, without any interruption, through places some of them 'wide, and others narrow, which were hollowed in the rock, and 'on each side they saw small chambers like those in the Pagoda 'above mentioned, each of which had at their entrance a cistern, 'but no one could say whether these cisterns contained any water, 'or how they could receive any, for in all these passages they 'could not discover any hole, crevice, or any thing which could 'throw any light on the subject. The upper part of the building 'was cut out of the same rock, and the walls on each side of 'these roads were done on the same way. The priest, seeing 'that they had expended seven days without being able to find 'any opening, and that the provisions and water had been al-'most consumed, thought it necessary to return, taking for his 'clue the rope, without knowing in these windings whether he 'was proceeding up or down, or what course they were steering, 'as they had no compass for their guidance. Having seen that 'these priests travelled through it seven days without taking 'any rest, except at dinner and sleeping hours, they must have 'travelled at least six leagues every day, which in seven days 'would amount to forty-two leagues, it appears to me, that 'what the Hindus say that it reaches as far as Cambay, 'may be true, because the island of Salsette at most is 'only four leagues long, and the labyrinth is in the centre 'of the island. To say that the roads could have many 'windings, and be so intricate as to make them spend seven days, 'is impossible, the island (as I said) being very small and 'narrow.' Here are chambers and tunnels with a witness!—tunnels which, in their length and windings, reduce those on the Bhor and Thal Ghats (so eloquently discoursed of by the learned president of the R. A. society, their great inventor and superintendent) to comparatively small dimensions! *Credat Judæus Appelles, non ego.** Even our own learned Faber, so late as 1803, founding on the descriptions of Elephanta given by Mr. Maurice and others, could indite the following nonsense:—'The five-headed Brahmá [two heads are *imagined* to be behind 'the three of the *trimúrti* seen by visitors] is an hieroglyphical re-'presentation of Noah, his three sons, and his allegorical consort

* The passages in de Couto referring to the Religious Excavations, were first brought to our notice by the late Bishop Prendergast. The passage quoted above is from the journal of the B. B. R. A. S., to which it was communicated by the Rev. W. K. Fletcher. The excavations at Kánharí have been found by the Messrs. West, who have published accurate delineations of them (including their inscriptions), shewing them to be only a hundred in number. From none of them is the light of day excluded.

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'the ark. At the termination of the deluge, the patriarch lost 'his fifth head the ark [as Brahmá did in the Hindu legendry]; 'which in the language of fable was said to have been cast off 'by him that moves upon the waters; but from the blood which 'flowed from it, the whole race of animals was reproduced; 'or, in other words, the animals which were destined to stock 'the new world, issued from the womb of the ark. The cavern 'of Elephanta, then, being nothing more than a helio-arkite 'grotto, we shall find no difficulty in discovering the reason 'why the compound bust of Noah and his three sons was placed 'within it; why precisely eight figures guarded the doors; and 'why the disgraceful symbols of Bacchus, Attis, Osiris, or 'Mahádeva, occupied so conspicuous a place in the sacellum.'

The most important of all the antiquities of India are its excavations, and the topes and rock inscriptions which are associated with them. They are the greatest works of the ancient, though not the most ancient, Indians, who, it appears, both from the paintings at Ajantá and the inscriptions at Kárlá and Kanheri, had the partial assistance of Greeks or of Bactrians in their execution. They are all, with few exceptions, in the mountainous ranges and insular hills in the neighbourhood of Bombay; and they are there, as if for the very purpose of being compared with our own gigantic railway works, now proceeding. There are about fifty large groups of them in the Sahyádri range of mountains and in their offshoots, to make the ascent and descent of which the resources of our engineering and mechanical skill are at present so effectively and boldly applied. We have incidentally heard the natives actually making for us a comparison of them with the railway works; and giving the preference to these railway works on the ground of extent, labour, ingenuity, and utility. It is no longer a difficulty to the missionary, which we have all often felt, to make manifest to the Indians the mere human origin of the excavations, unless indeed with such parties, as we have seen specimens of, who consider the railway engineers themselves a species of demi-gods. Yet the excavations are wonderful, all things considered, for their number, magnitude, and artistic execution. To this remark those especially who have visited Elephanta, Salsette, Kudá, Kárlá, Junír, Násik, Elora, Aurangábád, Ajantá, and other localities will readily assent. Thousands of men, directed by skilful contrivers and superintendents, must have been employed upon them for many years, nay for centuries, as will appear when their origin and age are considered.

Natural grottoes made by the fissure and abrasion of rocks, both vertical and horizontal, and the introduction into them of

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water currents, have doubtless in all countries suggested the idea of artificial grottoes, especially after the use of them by various classes of partial troglodytes in different countries, as the earlier races of men spread themselves over the face of the world. Both classes of grottoes early became associated with the mysteries of religion and superstition; and were converted into the shrines of idols and oracles and into the dens of sybils, as is well known to all who are acquainted with the literature of Greece and Rome.

The artificial excavations of India,—and which in their inscriptions are denominated *Selgharas (s. Shailgrihas)* Rock-Mansions, and *Lenas* (from the s. *Layanam*) Ornamentations, so called from their images and figures,—are all of a religious character, belonging to three distinct religious systems, the Buddhist, the Bráhmanical and the Jaina, as was at first proved by their mythological figures, and is now most satisfactorily established by their inscriptions. Natives of intelligence have of course all along understood the figures in the Brahmanical caves, because they are in accordance with the latest developements of their recognized mythology,—though they sometimes went wrong in their interpretation of their groups, and had forgotten their history. Their desire to claim the merit of the Buddhist and Jaina excavations, coupled with their slight acquaintance with the history and symbols of these systems, tempted them, in violation of their palpable indications, to associate them with Brahmanism.

The BUDDHIST excavations are the most ancient, numerous, and diversified. They are principally of the following species:—

1. *Chetyagharas* (s. *chaityagrihas*) or Temples.—These are generally of an oblong form, with lofty roofs, of a semicircular or horse shoe curve, and in some instances associated with wooden rafters, sometimes, as at Kárlá (where the best specimen of a *Chaitya* is to be found), in a wonderful state of preservation. In the front of each Chaitya, there is a wall or screen with a gallery above (perhaps devoted of old to musicians) and pierced by a principal and two side doorways, and also sometimes an outer screen. A colonnade, with the pillars generally highly ornamented with sculpture on their capitals, though sometimes plain, goes round the Chaitya. At its inner extremity, but exterior to the colonnade, is a *Dahgob* (from the Sanskrit *Dhátugarbha*, the receptacle of elements or *Dehagupta* (the holder or concealer of a body)—a mass of rock or erection, enclosing, in an interior hole hid from view, some supposed relic of *Shákya Muni* or *Buddha*, or of some of his more distinguished followers. The screen here referred to, as at Kárlá and Kánheri,

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has sometimes interesting groups in alto-relievo representing Buddha himself, and parties, principally of the aboriginal tribes, come to do him obeisance. Two recesses bounded by this screen in front, but with lofty sides, with two gigantic figures as at Kanherí, or with elephants with numerous figures surmounting them as at Kárlá, or without ornament,—form the porch of the temple. Exterior to this porch at the principal Chaityas are ornamental or commemorative *Stambhas*—pillars, generally monoliths, hewn like the temples out of the living rock. That at Kárlá is denominated on an inscription which it bears, the 'Lion-pillar,' a designation easily understood from the figures forming its capital. Near the entrances to the Chaityas, are often small *Dahgobs*, either monoliths or structures of the form of the interior Dahgobs, but devoted to the commemoration of parties inferior to Shákya Muni himself. At various places in their neighbourhood, are *Stupas*, or 'topes' resembling these Dahgobs—mounds covering the ashes of distinguished Buddhist teachers. The most remarkable 'topes' in India are of a structural kind, as those of Manyakáli in the Panjáb described by the late professor Wilson in his learned work entitled Ariana Antiqua, and at Bhilsa, so fully and ably described by Colonel Cunningham of the Bengal Engineers.

2. *Viháras*, or Monasteries.—These were designed for the accommodation of the Buddhist *Bhikshus*, or mendicant monks, dwelling together as cenobists, the individual cells, or smaller abodes of the monks being denominated *Bhikshu-grihas*. They are often very capacious, with large halls in their centre, and are sometimes of two or three storeys, as at Elora and Kárlá, where they are called the *Dontál* and *Tintal*. The villages near the caves sometimes bear the name of Vihargáum or Vehergáum (corrupted into Yedagáum), as was formerly the case with the village in Salsette now covered with the Vehar lake, from which the water-pipes in Bombay are supplied, and is still the case with the village below the hill in which the caves of Kárlá are situated.

3. Detached *Bhikshugrihas*, Hermitages, literally Mendicants-Houses.—These were intented for the monks who lived not as cenobists but hermits. Their cubicula, as well as those of the cenobists, are all of the living rock, and must never have been of a luxurious charactor.

4. *Buddha-Shálás* or *Bhikshu-Sangha Buddha-Grihas*.—These are generally square or oblong halls, with or without cells, for the public instruction or consultation of the monks, whose common audiences were probably, addressed *sub claro cælo*, or in temporary tabernacles—on the

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occasion of their great festivals, or at their own residences when the monks wandered abroad.

5. *Dharmashálás,* or Charitable Lodging Houses.—These were intended for the accommodation of the pilgrims and other parties who visited the monks on festival occasions or at other seasons. An example of this class of excavations is contiguous to the Chaitya at Kánherí.

6. *Annasatras,* or Food Dispensaries.—These were excavations, or apartments of excavations, devoted to the issue of food to travellers. Hospices of this character, greater or smaller, are still to be found in all parts of India, though frequently in a decayed or decaying state, from the appropriation by their administrators of their regal and other endowments.

7. *Pondhis,* or Cisterns.—These are reservoirs for the supply of water, brought to them by numerous small drains and cuttings extending over the hills on which the excavations occur. Many of them are but little reached by the sun. Hence the comparative coolness of their waters, noticed in such an exaggerated form by the Portuguese annalist whom we have already quoted.

It is many years since we substantially made this arrangement of the Buddhist excavations. It was afterwards confirmed by their inscriptions, as read both by the late Dr. Stevenson and the writer.

The figures of Buddha, of course, predominate in the Buddhist excavations. They are exactly similar to those in use in the present day in the different countries to which Buddhism has been carried from India,—in Nipál, Tartary, Ceylon, Burmah, Siam, China, and even Japan, as appears from wood engravings lately received from that distant country. They are represented in a variety of postures,—standing, sitting, or squatted,—sometimes with the feet drawn up and the knees protruded, sometimes with one foot up and another down, and sometimes with both feet on the ground; and as receiving worship and enthronization, as dispensing blessings, or as engaged in contemplation. They are almost uniformly destitute of such monstrosities as a plurality of heads, legs, arms, etc.,—as are noticed in Brahmanical images. They are all of one type, as far as the expression of intellect is concerned; and the conception of them indicates little life, genius, reflection. Abstraction seems to be their general characteristic. Though of stone they have all the stiffness of wooden models, which may have been brought from afar to be copied when they were hewn. According to the Buddhist conceit of beauty many of them have curled hair and pendant lips, as of an African type. One of the most interesting of them at Ajantá, of gigantic dimensions, represents the death of

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Buddha. The sage in the scene is lying in a horizontal position. His earthly servants, standing round his couch, are overcome with sorrow and grief, while a band of heavenly choristers above are frantic with joy at the supposed liberation or extinction of his spirit. The figures attendant on, or doing obeisance, to Buddha, on the sculptures, or introduced there for the purposes of ornament, indicate more liberty and art than we see in the case of their master, the original images of whom seem to have been followed without variation,—though some of them are in forms and attitudes of a grotesque character. On the ceilings, and walls of some excavations, as those of Ajantá, are very remarkable paintings, evidently of Grecian or Bactrian origin,—for the figures are far superior to those which we find on the Hindu coins of the same age. These paintings, the copying of which has occupied Major Gill and his assistants for fifteen years, illustrate the occupations and manners and customs of the former inhabitants of this country, and even of the foreign peoples with whom they held intercourse. It is evident from them that, though the Buddhist monks withdrew their own consecrated persons from the evil world, when they betook themselves to their monasteries and hermitages, they liked to be surrounded in their solitude by the pictures of its pomps and vanities.

We have no doubt that there were originally structural buildings associated with the Buddhist excavations. One used as a stable for elephants is referred to, in a fragmentary inscription in the cave character, in a large stone found at Kánherí by the late lamented Mr. Henry West, and at present in our possession. There are remains of extensive foundations, in some instances with holes for wooden pillars, on the Kánherí hill, or as it is called in the inscriptions, the hill of *Kánha-Kánherí* (to which we formerly diffidently gave another etymology) being probably a contraction of *Kánhágiri*, the mountain of Kánhá.

The Buddhist excavations have generally an interesting situation, amidst picturesque, or wild, or sublime scenery. They had sometimes gardens in their neighbourhood for the raising of vegetables and the culture of flowering and fruit trees, the representatives of which, as known to our botanists, to some extent, exist to the present day. The grove at *Lonálá* or *Lonáwali* (corrupted from *Lenáwali*) the Grove-of-the-Lena, was probably connected with the establishment at Kárlá, distant from it only three or four miles. It was a favourite resort of the late accomplished and observant Mr. John Graham, who found trees and bushes at it, but now seldom seen in other parts of the country.

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The BRAHMANICAL Excavations are principally *Temples*—either representing the interior of such places of worship, as at Elephanta, or both their interior and exterior, as is the case in the example of the superb temple of *Kailás* at *Elora*. They are all, without exception, dedicated to *Shiva*, and distinguished by the different forms of that deity and of the members of his family, and of the later gods of the Hindu pantheon subordinated to Shiva. To understand them, we have to attend to the Hindu conception of the deity to whom they are dedicated, philosophically and mythologically considered. He is not a god of the ancient A'rya people, from whom the Brahmans and the whiter races of the natives are sprung. He is not once mentioned in the ancient Vedas, though the Brahmans wish to find him in *Rudra*, there set forth as the god of storms. He is not even observed in the collection of laws attributed to Manu. His name etymologically, means 'he of whom growth, increase, ' or prosperity is.' Hence he is the god of the productive power of nature, in some respects not unlike *Savitri* of the Vedas, *Pashupati*, lord of beasts, with the *trishúla* or trident, *pásha*, or net, and the bull called *Nandí*, as his *váhana* or conveyance; and *Shankara*, the god of prosperity. As the material prosperity of the inhabitants of the Indian plains and valleys was dependent to a great extent on the rivers issuing from the Himalaya mountains, he was viewed as *Girisha*, the lord of mountains, his wife being *Párvatí*, the 'mountain-born' (from *Parvatá*, a mountain,) and *Durgá*, the 'daughter of mountains.' Associated with the eternal snows of these mountains, he was viewed as a penitent or ascetic, and the chief of ascetics, with a great many corresponding names. Conceived to be located among constant storms, he easily absorbed the name of *Rudra* found in the Védas, though, as we have already hinted, it did not originally belong to him; and he thus became the god of destruction and death, adorned with a necklace of skulls or human heads, and possessed of a third eye or most prominent brow. He became also *Ilara*, an ancient god of power; and is known by the name of *Mahábaleshwar*, the 'lord-of-great-power'. The *linga* is not mentioned as one of his images or symbols in either of the epic poems, the Rámáyana or Mahábhárata, or in the *Amarkosha*, the dictionary of Amar. This symbol seems to have been transferred to him from the aborigines of the south of India. He was originally a popular god, adopted by the Brahmans like Vishnu in the non-Vedic sense; and hence the name of *Mahádeva*, or the great god, and its various synonyms. Perhaps, the original idea of him was got from the sun, viewed, not as the lord of day, but

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as the great source of nourishment and increase. Mythological analogy is in favour of this conjecture, the bull in Egypt and other countries having been sacred to the sun. In later times the Bráhmans having found the three functions of creation, preservation, and destruction attributed in the Upanishads and other philosophical treatises, to Brahma, conceived of as the original and universal self or spirit, gave one of them to *Brahmá*, the god whom they had invented as the god of prayer; another of them to *Vishnu*, also in his general characters a new conception; and the third to *Shiva*. The followers of Shiva in the south were dissatisfied with this arrangement; and they claimed all these functions,—yet paying deference to their respective personifications,—for their preferred popular god Shiva, whom they exalted in their sectarial zeal to the highest honour, as set forth in the Shiva, Linga, and other Puranas of the same class.

A characteristic example of the Brahmanical caves is to be found at *Elephanta*, with the form, size, and appearance of which very many are doubtless familiar. We confine our remarks upon these caves at present to their principal mythological sculptures.

1. Fronting the entrance of the large temple, but at its extremity, is the great *trimúrti*, or image with three heads combined together, about nineteen feet in height, though it extends only from the shoulders upwards. This is *Shiva* possessed of the three functions of creation, preservation, and destruction just alluded to, and personified with the active attributes ascribed respectively to Brahmá, Vishnu, and Shiva. The front face is that of Shiva as *Brahmá*, the god of prayer or the word, in whom the creative energy is thought to centre. The face to the right of the spectator is that of Shiva as *Vishnu*, the god of preservation, recognized by his purer appearance and his symbol, the lotus. The face to the left of the spectator is that of *Shiva*, as the destroyer, recognized by his fiercer aspect, the feline moustache, the slabbering lip, the terrific serpents in his hand and forming his hair, his prominent brow, and the skull near his temples. This composite bust, which is unique in point of size and execution, is remarkable for its head-dresses (royal *mukats* or diadems) with pearl pendents and precious stones set in gold or silver, and necklaces, and earrings and other ornaments, which throw light on the capital and thoracic adornments of the kingly natives before the introduction of the turban. It was almost perfect till a few months ago, when some thoughtless or mischievous visitors broke off a portion of the noses of two of the figures. Though it represents a triad of comparatively modern invention, it is in unison with such a

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triad of deities as the Hindus, like other ancient peoples, have been familiar with from the earliest times.

2. To the spectator's right, from the trimúrti, *Shiva* and his wife *Párvatí* appear standing upright in their proper character, with their attendants, some of whom below are jovial *ganas* and *pishachas*, mythological demons belonging to their suite, while those in the aerial regions above are specimens of famishing devotees and ascetics, of which Shiva himself, as we have already hinted, is the chief. What is to be particularly noticed in this group, and in others which the visitor himself will observe, is the subordinate presence of the other deities of the Hindu pantheon. Brahmá, with his four faces (three only of which are visible) seated upon his *váhaná* (waggon) of geese; *Indra*, upon his elephant *Airávatí*; and *Vishnu*, mounted upon the personified *Garuda*, the lord of eagles.

3. To the spectator's left, from the trimúrti, Shiva and Párvatí appear as *Arddhanareshvara* in a half-male and half-female form (agreeably to a well known Hindu legend,) with the gods above noted, and male and female attendants allotted to them respectively, and with adoring ascetics above. In this group, Nandi, the *váhana* of Shiva, appears, not in the species of the domestic bull, but that of the forest *Gava*, the *Bos Gavæus* of naturalists, mentioned in the Vedas as an article of food. There is more poetry in connecting Shiva with the *Gava* than with the domestic bull as is commonly done. In few of the Shiva sculptures does the tiger, the *váhana* of *Párvatí* or *Durga*, appear.

4. The spectator, passing No. 2 to the left, now finds, behind the sacellum containing the symbol of Shiva, a group representing the *marriage of Shiva to Párvatí*, with the bashful bride, pushed forward by a ministering attendant on the right of the bridegroom, a position which she occupies only on the day of marriage. Close to Shiva is a priest holding a vessel with the substances for the bridal unction. The other gods, etc., are here (as in the other groups), Brahmá sitting in the corner. This group, with others to be noted, has its counterpart connected with the domestic life of Shiva, in the *Dhumar Lena* at Elora.

5. Close to the sacellum on the opposite wall of the temple is Shiva in his character of *Bhairava*, the formidable, fierce in countenance, with swollen eyes, and set lips; with a garland of human heads suspended from his neck, instead of the Brahmanical string; with eight hands (now partly broken) all employed in effecting, *horribile dictu vel visu*, a human sacrifice, that of a child. This child he holds up raised in one hand, while he has a bare sword to strike the fatal blow in another, a bell to intimate the appointed moment in a third, and a vessel to

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receive the blood in a fourth. A fifth hand, with its arm now wanting, holds a screen to be dropped when the awful event occurs. The ascetics above, represented with considerable art, are in horror and amazement at this development of the destructive powers of their master. In the centre of their row occurs the mystical trisyllabic symbol *Aum* (*Om*), applied as comprehending each person of the triad, as if the essence of Hinduism were here concentrated.

6. Crossing the temple, to the corresponding apartment on the other side, we have a scene of a very different kind. *Shiva and Parvati, in the enjoyment of connubial bliss* in their heaven or *cœlum*, the *Kailás* of the Hindus, upheld, or shaken by the many-headed and many-handed *Rávana*, the demon king of Lanká.

7. Directly opposite to this group is another, also illustrative of the domestic life of Shiva and Parvati, husband and wife, showing signs of *dissatisfaction* with and aversion to one another. Both these personages appear in superior and less injured form, at the *Dhumar* Lena at Elora, from the inspection of which their real character is to be ascertained.

8-9. In the great temple, the groups at the entrance represent *Shiva sitting as an ascetic*, with accompaniments the same as in other instances. The position in which he is squatted is a favourite one with Hindu devotees, even with the Buddhists.

We pass over the *sacellum* with its gigantic guardians. Of the two chapels, that to the left hand as we enter is the more important. In the court before it, which was long filled up with earth, there is a low circular platform, where the bull doing honour to the distant sacellum of the great temple, and that of this chapel, must have been placed. Not a vestige of it now remaining (sic transit gloria *Nandi*!) The leogroffs at the sides of the steps leading to the chapel were lately dug out of the accumulated earth now referred to. One of them is unfinished (as is the case with the exterior excavations on the way to the eastern landing place of the island). To the right hand of the chapel is an apartment showing a procession of women carrying infants, etc., as on the occasion of a marriage, with *Shiva*, in his proper person, confronting his corpulent son *Ganpati*, with his large belly and elephant's head, the substitute for his natural one, which he is said to have lost at his birth by the consuming glance of the god *Shani*, the planet Saturn, who clapped that of a passing pachyderm upon him to pacify his mother displeased by his misfortune, but without his *váhana*, the rat, on which, it is incongruously said, he takes air and exercise!

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So much for a specimen of the Brahmanical caves. The JAINA excavations are also principally temples. They are not numerous in the west of India; and it is rather difficult for the general visitor to distinguish them from those of the Buddhists, with whom the Jainas, as religionists, are intimately allied.* Some one of the twenty-four Tirthankars (S. Tirthakaras) or alleged emancipated Jinas (victorious ones,) particularly *Neminátha* or *Parasnátha*, occupies the chief places in them, while the other *Tirthankars* occupy the verandas or secondary positions. The best specimens which we have seen of them are in the northern groups at Elora, the middle groups there being Brahmanical, and the southern Jaina. A very curious but unequivocal one we visited a few years ago on the hill opposite the traveller's bungalow at Chandor.

The different groups of caves in the West of India have, generally speaking, a peculiar interest of their own. In none of the caves is there a *trimúrti* so remarkable as that at Elephanta. The Buddhist life is best understood from the excavations of Salsette, though they require much attention, not only from the visitant, but from the student and antiquarian. No such beautiful Chaitya, as already hinted at, is to be found in India, as that at Kárlá. Elora is pre-eminent for the variety and extent of its excavations. In the adjoining caves at Aurangabad, only as yet partially cleared out, we have perhaps the best specimens of architectural forms. Those of Ajanta are unrivalled for their paintings. The best scenery is visible from the caves of Násik. Many of the caves which we have visited are not very accessible. The delineations which have been made of some of the caves by Mr. James Wales, by volunteers acting under the direction of Mr. William Erskine, by Colonel Sykes, by Mr. James Fergusson, and by others, have been published. Major Gill's accurate copies of the Ajantá paintings are with the Indian government at home. So are the oil-pictures, some of which are very elaborate, made by Mr. William Fallon. Mr. Johnson's photographs of the Elephanta and Kánheri caves, are justly appreciated by the members of this community. Those which he is about to issue of the caves at Kárlá have been pronounced by competent judges to be among the best yet produced by the photographic art.

A most important inquiry connected with the Caves is that which refers to their age, to the parties by whom they were constructed and to the facts to be gleaned from their respective inscriptions.

* *Jaina* is the adjective form of *Jina*, the Conqueror, a very common name of Buddha. See the Mahavarso of Ceylon *passim*, beginning with the first page.

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The Jaina excavations are the most modern of those which have yet been brought to notice. In 1852, when examining that devoted to Parasnáthá at Elora,—and which is evidently of the same workmanship as the larger Jaina excavations of that locality,—we observed an inscription giving the date of its formation as *Shaka* 1156, equivalent to A. D. 1234, which makes the Jaina temples at Elora 627 years old at the present time. This date is corroborated by the fact that these Jaina temples,—which had probably for their authors the opulent Jaina ministers of the Rajput, Elichpur, and Devagiri Rajas,—have some imitations in their construction of the Brahmanical Kailás temples, to which they must consequently be posterior, and by the other fact, proved from the Jaina works at Abu and other places, that the Jainas of Western India were about this time making great efforts to extend and to glorify their faith.

None of the Brahmanical excavations have, as far as we are aware, any existent contemporaneous inscriptions, one at Elephanta having, it is said by De Couto, been carried to Portugal, where no trace of it can now be found. Yet the age of the Brahmanical excavations, we conceive, can be ascertained approximately. In 1850, we thus wrote respecting this matter:—

'Mr. Fergusson has made the important discovery that 'the Brahmanical *Kailás*, which strikes the beholder as the 'most remarkable of the whole (of the Elora groups), is formed 'after the type of some of the structural temples of the South of 'India, particularly the great pagoda at Tanjor; and he says— '"I have no doubt in my own mind that the *Chola*, or at least '"some of the Karnatic Rajas were the excavators of this temple, '"and the restorers (rather propagators) of Sivite worship in the '"Dekhan; my own impression is, that we must ascribe this '"either to Raja Rajendra or Kere Kala Cholan, and that '"consequently the date given by Mir Ali Khan to Sir Charles '"Malet is very near the truth, if applied to this excavation at '"least, and that it was made in the first half of the ninth '"century of our era." Commenting on this opinion, we added, 'Works of such magnitude as the Kailás temples would require 'the wealth and enterprize of such sovereigns as the Cholas were. 'The resources of the local princes, the Chálukyas of the Dakhan, 'and of the Devagiri Rajas were quite inadequate to their 'execution, and that of the Elephanta and other Shaiva temples 'near Bombay. Somewhat posterior, in point of age, to Kailás, 'must be those Brahmanical temples of Elephanta and Salsette, 'in which various imitations of the Brahmanical excavations of 'Elora appear. Looking at them collectively, we have long, on

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'mythological grounds, been disposed to limit the age of the 'Brahmanical excavated temples by the eighth or ninth century 'after Christ. On several of their figures the small box, con- 'taining the emblem of Shiva, worn by the Lingáyats, (as noticed 'by Mr. Erskine) is represented, and the Lingáyats (as a sect) 'did not appear in the South of India till considerable modifica- 'tions were made, in the course of time, in the peculiar forms of 'Shivism, introduced or supported by Shankar 'Achárya. The 'Chola Rajas were the patrons of the Lingáyats, who, to the 'worship of Mahádeva or Shiva, added the practice of the 'Yoga, without reference to caste, with a view to final eman- 'cipation. Professor Wilson notices the profession of the Yoga 'in the eighth century, and he properly observes that the 'Brahmanical temples in the subjects of their sculptures, and 'the decoration of Shiva and his attendants, belong to the same 'sect. It is remarkable that this form of the Hindu religion has 'vanished from the Maratha country, which it is not likely it 'would have done had it enjoyed the continued patronage of the 'Devagiri Rajas reigning over this locality, the last of whom 'was overcome by the Muhammadans, A. D. 1293.'

A remarkable corroboration of the general views here stated, but warranting a more definite adjustment of them, we obtained at Elora in January, 1852. In the Jaina inscription already referred to, the name of the hill in which all the Elora excavations are made is the *Virolla Parvat*, or Mount of Virolla (of which the native *Virula* or European *Elora* is a corruption). This word, we have little doubt, is formed from the name of *Vira-chola*, one of the Chola Rajas, who flourished, according to one of the papers of the Mackenzie Collection, quoted by Professor H. H. Wilson (who mentions the extensive conquests of his race), about A. D. 917. This gives an antiquity to the most remarkable of the Brahmanical temples of Elora and those of Elephanta, which are of the same type, of about 944 years; or to deal in round numbers, it makes them to fall at least within the present millennium. The *Jogeshvari* Brahmanical temples of Salsette, however, are considerably more modern than those of Elephanta and Elora. The sculpture and architecture of them are not of the Southern Indian type, like those of the great works now mentioned, but of the Rajput or Gujarat types, as we see exemplified in various districts to the northward, as in Kathiawar, Pattan, and Mount Abu. Of the same character is the remarkable structural Shaiva temple of *Amarnáthá*, about six miles from Kalyán, which, though of hard black basalt, shows a delicacy of workmanship which could be attained only by artisans accustomed to work in softer stone, the marble and

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sand stones of the north. Whether this work is to be attributed to the Devagiri Rajas, or the Rajput sovereigns of Anhilwara Pattan, we can not positively say. On many old Shaiva structural temples throughout the country as well as on the caves, we have observed marks of violence which we would attribute to the times of the Chálukyas, who, it appears from their inscriptions, were favourable to the *Vaishnava* form of Hinduism.

To ascertain the age of the *Buddhist* temples in the West of India, we have to attend to the general history of Buddhism, and to the numerous inscriptions in an ancient character,—for long forgotten by the natives,—which they bear, especially at Kárlá, Kánherí, Násik, Kuda, and Ajanta. For our knowledge of that character, we need scarcely say, we are principally indebted to the late Mr. James Prinsep, whose attention it particularly attracted, especially as it is found on certain ancient Indian coins and the pillar at Delhi, though in Bombay, as well as in other parts of India, he had his coadjutors in the work of seeking a key to it, as he very cordially acknowledged. The key to the character was found by his tracing backwards,—from the current Devanágarí,—various forms of older letters, of which the Nágarí is the maturer type adapted to more rapid writing than the original. Our own assurance respecting it was derived from a comparison of copperplate inscriptions, in the hands of Vishnu Shastri, in which we noticed the accordance in number and position of certain letters and words connected with initial salutations of the gods, and the royal signatures on other legible grants, which betokened an agreement in value in the respective characters, as was found to be the case when they were critically examined and compared. By following out this principle, we were able, during our visit to Europe, in 1844, to decipher certain papers in a concealed Indian hand which were essential to adjusting a decision passed by the Admiralty Court at the Cape, and which had long lain uninterpreted, and also to make out some of the most difficult letters which came into the hands of our vigilant officials during the late mutiny. We now see very clearly that the great trouble taken with the adjustment of the cave character would have been unnecessary if we had noticed sufficiently early its correspondence with the Phenician and Greek alphabets, from a combination of which it is manifestly derived, with most ingenious adaptions to the orthoepical expression of the Sanskrit and other languages, most creditable to the ingenuity of the Indians, or those by whom they were adapted to these languages.

The general history of Buddhism, as it bears on the age of the Buddhist excavations, may be referred to in a very brief

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space. Towards the close of the Vedic age of the Aryas, the chief professional priests, or Brahmans, began to seek establishment as a caste, which was fully realized by them in the liturgical period, represented by the books called *Brahmatas*, which considered the Vedas as absolutely divine, put them under the care of professional priests, and set forth special rules for their use in sacrifice. To this exaltation of the Vedas, founded on their age and religious character, the thought of India, represented by the schools of philosophy, ran directly counter. Yet the founders of these schools had not the courage to attack the Vedas, even when as in the case of *Kapila*, the originator of the Sankhya school, they taught doctrines subversive of all recognition of a providence, and of decided atheistic tendency. However, Shakya Muni, the founder of Buddhism, whose negation of providence and attributing of organic changes to nature and growth resembled the tenets of Kapila, in his opposition to the monopolies of the Brahmanic caste and power, cared but little for the authority either of the Brahmans or their books. He was of the kingly race; and he preached the doctrine of the admission of his fellowmen to religious position and privilege according to their study and ceremonial and moral discipline. A great religious revolution was the consequence of his preaching and that of his disciples, even before his death, which according to Professor Lassen, occurred in the year 543, or according to Dr. Max Müller, in the year 477, before Christ. To this revolution, the Indian emperor Ashoka, the grandson of Chandragupta, the Sandracottus of the Greeks, who came to the throne B. C. 315, attached himself; and he proved the instrument of its extensive propagation in the provinces of India into which it had not previously found entrance. He is supposed on good grounds by Dr. Max Müller to have come to the throne, B. C. 263; to have been inaugurated B. C. 259; and to have held a great Buddhist council B. C. 246 or 242. His Buddhist edicts are engraved on the rocks of Gírnir near Junagap in Kathiawar, at Dhauli in Kattak, and at Kapurdi Girí in Afghanistan; and they have the date of B. C. 246. By this time Buddhism must have been most extensively propagated in his vast dominions. Second and third Buddhist councils are attributed to him in the Mahavansha of Ceylon; but Dr. Max Müller considers them problematical. It is in connexion with the last of them which is said to have taken place in the seventeenth year of his reign, that the great propagation of Buddhism in the Maratha country is said to have taken place. The event is thus recorded:—

"The illuminator of the religion of the vanquisher, the thero (patriarch), son of Moggali, having terminated the third

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convocation, was reflecting on futurity. Perceiving (that the time had arrived) for the establishment of the religion of Buddha in foreign countries, he dispatched severally in the month of Kattiko, the following theros to those foreign parts. He deputed the thero Majjhantico to Kasmíra and Gandhara (not Kandahar), and the thero Mahadevo to Mahisamandala (Mysore). He deputed the thero Rakkhito to Wanavásí (in the north of the Karnàtic), and similarly the thero Yona Dhamarakkhito to Aparantaka. He deputed the thero Maha-Dhamarakkhito to Maharatta, and the thero Maharakkito to the Yona (Yavana, or Bactrian) country. He deputed the thero Majjhino to the Himawanta country; and to Sowanabhumi, the two theros' sons and Uttaro. He deputed the thero Mahámahindo, together with his (Moggali's) disciples Ittiyo, Uttiyo, Sambalo, Bhaddasalo to this island (Ceylon), saying unto these five theros, 'Establish ye in the delightful land 'of Lanká the delightful religion of the vanquisher.'* According to the Mahavanso, these missionaries obtained most marvellous success. Of the missionary to the Maratha territory it is said:—'The sanctified disciple Maha-Dhammarakkhito, re-'pairing to Maharatta, preached the *Mahanaradakassapo jataka* '(of Buddha). Eighty-four thousand persons attained the sancti-'fication of *magga*, (marga, the way) and thirteen thousand 'were ordained priests by him.'†

The execution of caves in the Maratha country must have been contemporaneous with, or posterior to, this Buddhist propagandism. The southern group of caves at Elora, as has been remarked in the Second Memoir on the Cave Temples and Monasteries,‡ may be the oldest establishment of the kind in Western India,—as, comparatively speaking, it is in an open and easily approachable country, while many of the other establishments are in mountain recesses and passes; and as it is peculiarly simple in its character, and evidently the nucleus around which the other excavations in its neighbourhood—Buddhist, Brahmanical and Jaina, have been aggregated. This group, however, has no ancient inscription. It is otherwise with the caves at Kárlá, which, from their appearance, are probably next to them in point of antiquity. The founder of the elegant and capacious Chaitya there is referred to descriptively on the inscription in the largest letters there used, immediately

* Turner's Mahavanso, p. 71.
† Mahavanso, p. 75.
‡ Journal of the Bombay Branch of the Royal Asiatic Society, September, 1852.

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above the elephants in the porch to the left hand as we enter. That inscription in Pálí, transferred to Nagari characters reads thus :—

वेजयगीत सेठपा भुतपालेन सेलघर परिनिठापितं
जंबुदीपम्ही उतम—

Or in Sanscrit.

विजयगीत श्रेष्टेन भूतपालेन शैलगृहं परिनिष्ठापितं
जंबुद्वीपमठये उत्तमं—

This must be translated either, 'By the victorious and most 'exalted *Bhátapála*, this rock mansion has been established, the 'most excellent in Jambudvípa, (the generic name of India); or 'By the victorious and most exalted sovereign (translating the 'word *Bhutapála*) this rock mansion has been established, the 'most excellent in Jambudvípa.' The latter translation, we think, must be considered the correct one, or we should otherwise have the anomaly of a party mentioned without a designation, which is never the case even on the inscriptions noticing the humblest gifts to the caves.‖ We hold that the inscription attributes the rock-cut temple 'to the victorious and most 'exalted emperor,' whose name, in consequence of his celebrity, it was unnecessary to mention. This, we conceive, can be no other person but Ashoka himself. In this idea, we are confirmed by the fact that his name is also not mentioned on the tablets at Girnár, Kapurdi-Giri, and Dhauli, which have been most clearly proved to belong to him.§

Dr. Stevenson, (whose decipherments are often very ingenious and successful,) interprets the inscription as containing the

‖We tried at one time to take the word *Sethina* before *Bhutapála* as the quivalent of, 'By the Shet', using the word as commonly applied to a principal citizen, merchant, or banker; but the epithet 'Victorious', or, more fully, 'celebrated for victory,' forbids this idea. Bhútapála, literally a 'protector of beings,' moreover, is not the name of a Shet, but of a king or emperor.

§ Professor Lassen, in a letter addressed to the writter, dated 22nd April, 1851, thus writes :—

'I agree with you in identifying the king *Devánám Priya Piyadasi* 'of the inscriptions at Girnár and at other places with *Ashoka*. Besides, 'the testimony of the *Mahavanso*, I adduce as a proof of their identity 'the repetition of that title by his successor *Dasharatha*, with the difference that he usually adds his own name to distinguish himself from his 'predecessor. Another instance of a title, being used instead of a proper, 'name by the Buddhists is the name *Dharmavardhana* given to Ashoka's 'son *Kunála*. (*Indische Alterthumskunde*, ii. 270.) As *Ashoka's* authorship 'of the inscription found at Bhatra, in which he addresses the convention of '*Magadha*, can hardly be doubted, it may be presumed that the others also 'are to be ascribed to him.'

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name *Bhuti*, which he applies to *Devabhuti*, the last of the Mauryan kings (about seventy years B. C.); but no legitimate decipherment and translation warrants this, while a collateral argument, founded by Dr. S., on an inscription on the lion pillar, fails, from the evident misreading of the first word of that inscription. The works of Kárlá are not those of a perishing but of a thriving dynasty. Dr. Stevenson himself finds the works of Ashoka at the Náná Ghát, near Junir; and to say the least, the works at Kárlá seem fully as ancient when the character of the letters of the inscriptions is compared. To Ashoka, then, the victorious, somewhat past the middle of the third century before Christ, we attribute the oldest of our Buddhist excavations in the West of India.

The inscriptions at these excavations mention the names of the parties by whom they were beautified and enlarged and increased, mostly in times somewhat later. These were principally provincial kings and princes, civil and military officers, opulent householders, citizens, artizans, Buddhist pilgrims, and monks, of various orders and habits, and even females. All the more important classes of the people seemed to delight to consecrate their substance to the glorification of Buddha and the advancement of the interests of his faith, which thus appears to have been far more popular than ever Bráhmanism was. To specimens of the religious assignations and gifts of individuals, as brought to notice in the inscriptions, we may here allude, as illustrative of these remarks. The lion-pillar at Kárlá, in connexion with which we take our specimens, was the gift of the general Agnimitra, the son of the Maharathí (literally a great charioteer, but a designation of a provincial king or administrator) *Bhoti*. The village of *Vihár*, near the caves, was assigned for the support of their religionists, in the seventh year of king *Vasishthai by Mitradeva* the son of the Maharathí *Kaushika*, and by *Somadeva*, the son of the Maharathí *Vasishtha*. By a party whose name is obliterated, a donation of land, a place for refreshment of parties ascending the hill of the caves, a *Buddhashálá* (or hall of Buddha) a well, and some cells of accommodation, were bestowed on the establishment. By the liberality of another party the monks became the proprietors of the neighbouring village of Karanjá. By *Bhadrasoma*, a monk, two pairs of images were executed, which remain to this day. A pillar in the interior was the gift of a party expressly denominated a *Yavana* or Greek, supposed by ourselves, when we first drew attention to it, to be a *Theonikos*, and afterwards by Dr. Stevenson to be a *Xenocrates*. The name in *Pálí* reads *Dhanakkaj* or *Dhanakak*. Perhaps it

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may be only an Indian appellation of the Greek derived from some compound of *Dhanushya*, a bow, the last syllable being hardened for accommodation to the Pálí. To this opinion Vishnu Shástrí, the Pandit of the Cave-Commission, was inclined. That this Greek had to do with the construction of the caves is exceedingly probable. All classes of the excavations already enumerated, and their immoveable appurtenances, were often the gifts of individuals, quite independent of state resources. Various towns and villages, the residences of the donors to the caves at various places, are mentioned in the notices of the gifts, as Vehergaum and Karanjá (now named), Kalyán, Bharoch, Chandrapur (Chandor) etc. The words used for gifts are *dánam*, the correspondent of the Latin *donum*, and *deyadham*, for S. *Deyadharmma*, a religious assignation, and so forth. Some of the most liberal donations to the Buddhist establishments are recorded on the Násik excavations.

The inscriptions extend, we are persuaded, over a period of seven or eight hundred years, if we take them to commence as we do with the time of Ashoka. This is quite consistent with the fact that the Chinese travellers, whose works have been lately translated, found Buddhism prevalent in India in the fifth and in the beginning of the seventh century of the Christian era. The Brahmans attribute its overthrow to Shankarácháryа, the great establisher of the Shaiva form of the Hindu religion in the south of India; but there was something more applied to its extinction than the arguments of that keen and subtle hero of Bráhmanism. Throughout the Maratha country, there are commemorative pillars (first brought to notice by Colonel Sykes) which have figures representing the destruction of the Buddhist religionists by armed warriors, and the dance and triumph of the bull of Shiva over them, and round the symbol with which it is usually associated. Terrible must have been the violence which extinguished such a popular system of religion as Buddhism in the very provinces in which it originated, and in which it was first propagated, though it has still such a hold of the great countries of Asia exterior to India. Though we mourn over the bloodshed by which it was annihilated, we do not regret that it has here perished. When the existence of a divine and intelligent and active providence is denied, as it was by the Buddhists, the soul of man is bereft of its supreme good and guide; and the universe of both spirit and matter is involved in the darkness and confusion of chaos. Its power, as a system, over the minds of men was certainly not so much in its speculations and doctrines as in its discipline and its recognition of the right of all classes

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of men to advance in religious acquisition, distinction and privilege, according to their study, profession, and practice.

We have not attempted to form a critical estimate of the excavations of the West of India as works of art; neither time nor space have permitted us to do this. Neither have we entered on such minute notices of their religious and historical import as long conversancy with them might have tempted us to do. We have aimed rather at those generalizations which are most interesting and important. We have here given the results of long continued and difficult research, begun and carried on from motives very different from that of the indulgence of the idle curiosity of one who merely gathers

> Intaglios rude, old pottery, and store
> Of mutilated gods of stone, and scraps
> Of barbarous epitaphs, to be
> Among the learned the theme of warm debate,
> And infinite conjecture sagely wrong.

Historical truth is not to be found so easily in India as in other countries of the world. It is here in a state of comparative purity, we regret to say it, only in the ancient monuments of the country. These monuments, which are of an unequivocal character, have best withstood the ravages of time the great destroyer; and religious fraud, repelled by their venerable antiquity or exhausted in the attempt to entomb their magnitude, or to annihilate their multitude, or to efface their permanent records, has failed to destroy them or to effect their corruption. They have survived the departure of their authors and the destruction of the religious systems to which they belonged; and they tell their own tale in spite of their appropriation by sects and parties which had nothing to do with their origin, and many of which have come into existence subsequently to their execution and completion. They have proved too solid for the sledge-hammer of the Musalman entirely to mutilate them; and too incombustible for the fires of the Lusitanian to consume or rend them in pieces. They still exist, though commonly in a decaying state, for comparison with the ancient literary remains of India, confirming what little of historical truth is to be found in these records, and illustrating their erroneous, though sublimated, speculations, and their wild and unbridled mythology, with all its perversions and exaggerations. They are the credentials of the genius, taste, wealth, and power of ancient India, showing the natural capacity of the peoples among whom we dwell. The interpretation and exposition of them by the

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European orientalist to the simple natives who have access to them, have destroyed their belief in their divine origin, and deprived the systems of living error around them of that veneration associated with them which they enjoyed when they were believed to be the undoubted property of these systems, and the veritable works of the gods who are now worshipped; while they have taught some of the learned natives the principles of historical investigation. They testify to all, of transactions and changes, both civil and religious, which have occurred in ages long gone by, among a people too long supposed to be immoveable in their creeds and customs, and to have preserved only an attitude of sublime or stupid repose like their own images. Such testimony cannot but strengthen the conviction that the obstacles to the important changes which Christian philanthropy leads us to desiderate, and solemn duty and delightful privilege lead us to attempt, may in reality be much less formidable than they appear to be to the view of the timid and inconsiderate. The few individuals comparatively who have directed their literary attention to them, have received, in their recognition of these facts, a rich reward for what they have done in their elucidation. Our learned and popular societies observe the highest end of their incorporation, when their members combine for the prosecution of the work of their more extended investigation. The Government of India pursues an economical as well as a liberal and enlightened policy, when it adopts decided measures for their conservation and complete or general delineation.

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ART. II.—1. *The District Municipal Improvement Act.*

2. *Act III of* 1894 *of the Bengal Legislative Council.*

3. *Gazette of India Extraordinary.*—*14th September,* 1864.

THE extension of Municipal institutions throughout India, presents a most interesting phase in the administration of the country; and among the numerous beneficial reforms which have of late years been introduced into almost every department of the State, perhaps none will be attended with more important and permanent results. The Legislature has been working hand in hand with the Executive, and a great step in progress has been made towards local self-government and the encouragement of liberal principles. It is but two short years since the City of Calcutta was clothed with the semblance of civic grandeur, and a body of European and native Justices invited to interest themselves in the improvement of the capital of India. The Mofussil Municipal Act of Bengal, though passed little more than a year ago, is already in force in nearly every District of the Lower Provinces, while the *Calcutta Gazette* from time to time tells of further extension. During the last Session of the Imperial Legislative Council, an Act was passed legalizing the extension of the Lucknow Municipal Act to other towns under the immediate administration of the Government of India. The Madras Government has, moreover, been engaged in doing for that Presidency what the present Lieutenant-Governor has done for Bengal. Everywhere, on this side of India at least, there has of late been manifested a general movement in favour of Municipal Institutions which cannot but have arrested the attention of all those who are interested in the social and material prosperity of the country.

The causes which have led to such a movement are various, and in their nature more or less remote. The work of the present day in India is to consolidate our rule, by distributing, and decentralizing as it were, the functions of Government—to perfect a mechanism of wheels within wheels, whereby the whole system shall move in harmony. The increased extent of our Empire, has called forth a host of Lieutenant-Governors and pro-consuls. The same necessity has given rise to local Legislative Councils. The same principle is visible in the arrangements regarding local funds. Without such division of labour,

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it would be impossible for the work of Government to go on. It would be impossible for the Viceroy to govern now on the régime, that was in force in the time of Lord Cornwallis, when every petty detail of Executive administration required the assent of the Governor-General in Council. And such division of labour proves not only the progress, but the increasing stability of our Empire. It shows that we are alive to the exigencies of our position, and that we are not only able, but not unwilling, where necessary, to tread the thorny path of reform. Arising from the same tendency, another step in the right direction is being made in the establishment of self-governing corporations throughout the country. As it is impossible for the ruler of a large empire to administer the details of each individual province, so it would be a task almost superhuman for a Lieutenant-Governor to attempt to control the minor affairs of every town or district. The tree must bear branches and those branches twigs, if it is to put forth foliage, such as may be the source of health and beauty. Again the annual influx of non-official Europeans, at once the cause and the effect of India's increasing prosperity, has now rendered that possible which but a few years ago would have been justly regarded as an absurdity and a farce. True that much assistance may now be looked for from the more influential natives, taught by an enlightened education to rise superior to the prejudices of their countrymen. But whatever progress civilization may have made in this respect, it will hardly be denied that the state of native opinion beyond the limits of the Presidency Towns is even yet scarce ripe for the mighty change that has been introduced; scarce ripe enough to appreciate the benefits and responsibilities of a self-government, even in so limited a sphere as a municipality. And therefore it is, we say, that the European element is necessary to the very idea of such institutions.

Nor perhaps, in taking account of the causes which have led to the extension of a system of self-government and self-taxation, should we omit to regard the financial aspect of the country. However satisfactory the budgets of the last two or three years, it would seem that the Imperial revenue cannot well bear additional charges without the imposition of illegitimate, or what are usually designated 'war' taxes. It has, therefore, been ruled, and most justly, that local improvements be paid for by local taxation, and that charges incurred for the benefit of a special class or locality should not be defrayed from Imperial resources. This is but consonant with the principles of justice. Taxation thus imposed will be more in accordance

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with a spirit of fairness, while at the same time it will seem more moderate. For not only will the public at large cease to contribute special grants for the benefit of particular localities, but that portion of the public, which will henceforth be called on to contribute, although the demand may be heavier, will grudge it the less, as witnessing and enjoying the visible results, while Imperial taxation will really (though perhaps imperceptibly) diminish. And as this is undoubtedly the true theory of taxation, any step in this direction cannot but be wise and good—and as such, deserving of our highest approbation.

Lastly, the labours of the Sanitary Commission, revealing as they did a state of things scarce to be believed, urged upon the Government the necessity of taking more adequate measures for the moral and physical well-being of its people. And this consideration probably operated more powerfully than any of those previously enumerated. For it cannot be denied that the immediate cause of the enactment of the District Municipal Improvement Act was the devastation occasioned by the epidemic which raged in the environs of Calcutta, during the summer and autumn of the year 1863.* That epidemic was the result of overgrown jungle, of neglected cesspools and impure tanks—and, leading men to search for causes, it naturally brought such nuisances into the light of day. It was manifest then, that if the race of Bengalees was worth preserving and was to be preserved, some strenuous action must be taken by a parental government, without trusting too blindly to the native instincts of self-preservation. The population was being decimated—Kranee-dom was at stake. And so the jungle was cleared, the tanks filled, and everything made to wear the outward signs at least of cleanliness and respectability. And then followed the chastisement, for so it seemed to the ignorant, the listless, and the apathetic. The legislature interfered, and Act III of 1864 became the law of Bengal. Filth and uncleanliness must be eradicated at any price; the pocket must be sacrificed for the sake of health. Taxation and penal statutes must enforce the ordinary precautions for the public safety and convenience, seeing that without such sanctions they had been so shamefully neglected. The Bengalees felt like naughty boys, who after being saved from drowning, are called up to be whipped for venturing on the ice.

We should be inexcusably digressing from our present subject, were we to suffer ourselves to enter upon an enquiry as to the origin of Municipal Institutions. Such an enquiry

* Vide statement of objects and reasons appended to the Bill.

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would doubtless be most interesting, but like all matters of antiquity, it would also be involved in considerable obscurity and doubt. It will suffice for our purpose briefly to state the causes which led to the introduction and wide extension of such institutions throughout Europe, and then to compare the state of the case, as it existed in ancient or pre-British India.

The incorporation of towns and cities appears to have been a proceeding peculiar to western Europe. Deriving its origin from the internal constitution of the Greek and Roman colonies, the principle seems to have extended itself during the feudal ages almost over the whole continent. It has been doubted, whether its extension was a consequence of the feudal or of the allodial system, but it may, we think, be stated with truth, that, wherever neither the one nor the other system obtained, Municipal Institutions were not of spontaneous growth. The insecurity of property, owing to the violence and rapacity of the almost independent barons, led the inhabitants of towns to combine together for their mutual protection, and the interests of trade; while the monarch, seeing in such combinations a powerful instrument of resistance to the growing arrogance of his lords, was ever ready to confer upon them by royal charter privileges and liberties of the highest value to those concerned. These privileges consisted chiefly of exemptions from arbitrary taxation and emancipation from villeinage. They were generally at the same time 'erected into a commonalty or 'corporation, with the privilege of having magistrates and a 'town-council of their own, of making by-laws for their own 'government, of building walls for their own defence and 'of reducing all their inhabitants under a sort of military disci-'pline, by obliging them to watch and ward; that is, as anciently 'understood, to guard and defend those walls against all 'attacks and surprises by night as well as by day. In England, 'they were generally exempted from suit to the hundred and 'county courts: and all such pleas as should arise among them, 'the pleas of the crown excepted, were left to the decision of 'their own magistrates. In other countries much greater and 'more extensive jurisdictions were frequently granted to 'them.'*

Thus the free boroughs, while bound to the sovereign by all the instincts of gratitude and mutual interest, resembled a sort of independent commonwealth as regarded their internal polity. And there can be no doubt that neither Magna Charta

* Smith's Wealth of Nations. P. 177. MacCulloch's Edition.

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nor the civil war achieved more for the individual liberties of the subject, than was wrought by the noiseless, yet no less powerful, action of free commonalties. Indeed in other countries, as Italy or Switzerland, such institutions did actually become independent republics, the central Government having lost all energy and the allodial lords being completely overpowered and disarmed. Circumstances preserved England, however, from such a consummation. While such institutions did their work, and did it well, in relieving the crown from the management of all insignificant details connected with them, they were never allowed to usurp the higher functions of Government. They never became really and altogether independent. The sovereign's authority was never entirely laid aside. The nobility was never overpowered. And the consequence is, that even to the present day, the 'three estates' still flourish in England and supply that triple form of Government which has made our constitution the envy of the whole earth. It is, moreover, in constitutional England, that municipal corporations as such, have attained the highest degree of perfection, and we cannot but think it highly suggestive of the Anglo-Saxon character, that the most aristocratic nation perhaps in the world—a nation that abhors the very sound of democracy and universal suffrage,—should thus take the lead in the application of the principles of self-government to the ordinary matters of municipal life. It seems to show that however aristocratic we English may fancy ourselves, there is not another nation on the face of the earth, the members of which interest themselves so much in the matter of their own governance, and it further exhibits that good sense, which nevertheless restrains the popular element from yielding to the temptation to seize the sceptre for itself—content to sacrifice ideas to fixed principles and to leave the imperial administration to wise and experienced statesmen. And thus it is that such institutions have become dear to Englishmen, who have not only cultivated them with success at home, but wherever they have dispersed throughout the world, have carried with them these evidences of their nationality. In all our colonies municipalities have sprung up sooner or later.

There are those who think they see in the village communities of the ancient Hindus the traces of a municipal constitution. It is difficult at this distance of time to predicate with certainty whether or not they fulfilled the conditions of such a corporation—or were merely a family possessed of common property and working for the common weal. Perhaps we should do well to agree with Mr. Maine in regarding even such

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a family as a corporation. In his excellent work on Ancient Law, he gives a character to these ancient communities, according to which they would seem to have possessed many, if not all, the functions of a municipality. 'Such an assemblage of joint 'proprietors, a body of kindred holding a domain in common, 'is the simplest form of an Indian Village Community, but the 'Community is more than a brotherhood of relatives and more 'than an association of partners. It is an organised society, 'and besides providing for the management of the common 'fund, it seldom fails to provide, by a complete staff of function-'aries, for internal Government, for police, for the administration 'of justice, and for the apportionment of taxes and public 'duties.'* Regarded in this aspect, they probably corresponded very nearly with the Saxon 'tithings' or towns, and the headman, mandal, patel, or whatever he might be called, would answer to the tithingman or head-borough. From the Saxon towns undoubtedly sprang, spontaneously or by charter, those municipal corporations, which had been perfected into their present form. And it is, therefore, not impossible, that the germs of such a constitution may have existed in the Indian village communities, though circumstances have not been favorable to its development. At the same time, it must be borne in mind that it was not every Saxon town that had the honour of being incorporated. It was only where from its political importance, or from considerations arising out of its finance and commerce, that the sovereign was willing to forego a portion of his prerogative, and confer upon the commonalty a charter of freedom. The Indian communities, on the other hand, were purely agricultural. Such trade as was then carried on was managed by foreigners, and was chiefly confined to raw materials, precious stones, and ivory. And the revenue of such communities being derived solely from the produce of the land, the wisdom of the ancients did not consider it sound policy to farm that revenue in fee. The circumstances therefore, which probably led to the independence and self-government of European towns, had no vital existence in the East. It may be, that no condition of things could have been more favorable in itself to the municipal system, than the constitution of the early Hindu communities, had only external circumstances been such as to foster their growth. And if so, the re-construction of such corporations cannot fairly be regarded as an innovation, but should rather be looked upon as an encouragement of

* P. 262. The passage appears to be epitomised from Mountstuart Elphinstone's History, p. 62.

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what Mr. Maine calls 'the least indestructible institution of 'a society which never willingly surrenders any one of its 'usages to innovation.'

The Mogul dynasty, however, was not favorable to the growth of free institutions, especially among a conquered and alien race, and accordingly we find that these ancient communities pined and languished in its ungenial atmosphere. Such institutions would scarce accord with the poetry of oriental despotism. The appearance of a mayor and corporation in the days of Harun al-Rashid would rob the Arabian Nights of half its grand simplicity and (for us) fictitious interest. The summary justice or injustice, dealt (not meeted) out at the arbitrary will of the Pasha or Grand Vizier, startles men accustomed to 'the law's delay.' And this was not mere fiction. The whole system of Mahomedan government was one huge despotism—from highest to lowest a shameless bare-faced system of autocratic tyranny. An absolute Emperor ruled at the capital: an absolute Soubah managed the province: an absolute cutwal the town. It may be doubted, indeed, whether the last was not in his own peculiar sphere a more powerful despot than either of the former. Merchants and bankers crowded to pay court to one, on whose whim the security of their property and perhaps lives depended. The government of the city was in the highest degree arbitrary. Justice and morality waited upon the pleasure of the town Prefect, and obeyed no other law than that of his will and caprice. It was not to be expected that, in the midst of this universal tendency to despotism, those institutions should flourish which, while they usefully supplement the functions of the central Government, protect the people at the same time from arbitrary taxation and possible injustice. As soon should we expect to find a republic or a representative House of Commons, where the Mogul Emperors were issuing their edicts. The thing was alien to the spirit of the East. An Oriental will either be a tyrant or a slave. It has been so from time immemorial; it is the case now; will it always continue to be so?

Yet it must be admitted, that altogether, the people were not badly governed during the Mahomedan period of history. The country indeed attained a high degree of prosperity, notwithstanding frequent wars and disputes among the powers themselves. The form of government was perhaps suited to the times. If the modes of procedure were unconstitutional, they had at least the merit of being summary and decisive. Nor were public works neglected. The main roads were kept in a state of excellent repair—a necessity in every country which

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is held by force of arms. To dig a tank, or plant a mangoe grove, had from the earliest times been deemed a work of religious philanthropy. And the government was not slow to set a good example to private individuals. It was then the fashion—a fashion which in these last times has again come into vogue—for autocratic Emperors to display their power and render themselves famous by the erection of magnificent public buildings. Shahjehán rebuilt the city of Delhi—a task which the present Municipal Commissioners would scarcely be prepared to undertake—and if the country at large had to bear the enormous expense which it must have entailed, the people nevertheless had the satisfaction of gazing upon a capital of extraordinary magnificence, and no doubt admired and revered the more the prince whose revenues were equal to so gigantic a work. And not only were favored royal residencies thus splendidly embellished, but all those cities of which travellers have left any description, whether situated in Hindu or Mahomedan territory, seem to have been rich and flourishing at this period. "Those who look on India in its present state," Elphinstone writes, "may be inclined to suspect the native writers of exaggerating "its former prosperity, but the deserted cities, ruined palaces, "and choked-up aqueducts which we still see, with the great "reservoirs and embankments in the midst of jungles, and the "decayed causeways, wells, and caravanserais of the royal "roads, concur with the evidence of contemporary travellers in "convincing us that those historians had good grounds for "their commendation."* The Department of Public Works was certainly not idle in those days, and yet we have no record of any loan being raised to meet its expenditure.

The English rule had been established for upwards of half a century in India, before any attempt was made to extend the principles of self-government, so dear to our fellow countrymen. There were valid reasons for this delay. The material on which to work was not ready to hand. We had wrested the Empire from the unworthy grasp of the Mogul dynasty, and, as we have already seen, the atmosphere had not been favourable for the growth of liberal principles. The ancient Hindu communities, at least in the north of India, had well-nigh disappeared, and it was hardly to be expected that they would at once start into life again to reflourish in all their pristine simplicity and usefulness. It was impossible to build up free institutions on the ruins of the Mahomedan Empire. Where was to be found the fit representative of his fellow-citizens? Where was

* P. 526.

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the self-respect, the probity, the political honour requisite for so responsible a trust? With the tyranny of Islam, truth and honesty seemed to have well-nigh vanished from the land; free-thinking and free-speech were proscribed; individual opinion was a thing almost unheard of. It was not to be expected that men, accustomed for long generations to be ruled with a rod of iron, would suddenly rise superior to themselves, and claim the benefits of a civilized self-government. It could not be so, and it was justly thought to be the wiser course to rule the nations as they had been ruled—perhaps a trifle more cheaply and more equitably,—and wait patiently until the blessings of a civilized government and education had accommodated them to a new régime.

The Magistrate of the Zillah was accordingly made responsible for its good government in every way, and not the least important of his duties was the maintenance of order in the towns. Three cities, Patna, Dacca, and Moorshedabad, owing to their size and importance, thus came to have their own magistrates, who, with the aid of the cutwal, doubtless exercised a benevolent non-regulation despotism. It seems to have been the abolition of town duties in 1835, as a source of fiscal revenue in Bengal, that suggested the consideration of the feasibility of associating the inhabitants of towns, into regularly constituted civic bodies. In that year Sir William Macnaughten, then Secretary to the Government of India, thus addressed the Bombay Government. 'The attention of the Supreme 'Government has recently been directed to the question of provid-'ing means for carrying into effect such Municipal improvements 'as may be necessary or desirable for the security or comfort of 'the numerous opulent and populous towns throughout India. 'It has occurred to his Lordship in Council, that as the town-'duties have now been given up within the Presidency of Fort 'William, in Bengal, the inhabitants of the large towns may fairly 'be called upon to contribute to defraying the expense of such 'improvements as are required for their own convenience &c.' And so the first Municipal law for the Mofussil was passed on the 14th October, 1842. By Act X of that year entitled 'an Act for enabling the inhabitants of any place of public resort or residence under the presidency of Fort William, not within the town of Calcutta, to make better provision for purposes connected with public health and convenience,' the local government was authorized to establish a municipal committee in any town, suburb, settlement, or place of public resort and residence, on the application of at least two-thirds of the inhabitants. The duties of the committee were defined to be, to make better

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provision for the repairing, cleansing, lighting, draining or watching of any public streets, roads, drains, tanks, or any like local purpose. The committee were further empowered to raise funds for the above purpose by an assessment not exceeding 5 per cent per annum on the rent or yearly value of the premises assessed. The remainder of the Act contains provisions for enforcement of the rates and for the surveillance of the local Government. Eight years afterwards this Act was repealed, it having 'proved ineffectual for the purpose'—and, it being considered 'expedient to amend 'the provisions thereof, and to extend the like powers to the inha-'bitants of towns in the other presidencies,' Act XXVI of 1850 became law. Like its forerunner, this Act was also optional law, and could be introduced into any town only 'at the 'instance and upon the spontaneous expression of a general 'desire on the part of its inhabitants.' To be sure the stumbling-block, which required the adhesion of at least *two-thirds* of the inhabitants was omitted, but the matter was, as before, left entirely to them, and they could have just as much or just as little of the Act as they chose. They were not obliged to obey any portion of it, to which they had the slightest objection. The government stood towards its subjects much as a shy boy regards an apple on the dessert-table, but is afraid to ask for it, or as a weak mother, who knows medicine to be good for her child, hesitates to administer the dose for fear of a scene. The procedure required to legalize the introduction of this Act is sufficiently unique to deserve mention. The inhabitants of a Mofussil town or suburb are supposed in the first instance to be animated by a laudable desire to make 'better provision for repairing, clean-'ing, lighting, or watching any public streets, &c, or for the pre-'vention of nuisances, or for improving the said town or suburb 'in any other manner.' And this praiseworthy zeal is further supposed to carry the inhabitants so far as to apply to Government for the extension of the Act. The application is accordingly published in the *Gazette* and also proclaimed within the town or suburb—and the inhabitants are invited to declare themselves for or against that for which they are supposed to have petitioned already. The Government taking into consideration such declarations as might be forthcoming, made a final order 'to 'the effect that the application appears or does not appear to 'be according to the wishes of the inhabitants, either wholly or 'in respect to one or more of the purposes in respect of which 'it is made; and, if the whole or any part it shall appear to 'be according to the wishes of the inhabitants,' the Act is thenceforth put in force in such town or suburb 'for such purposes only as shall be mentioned in the order.' We have said

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that the procedure of the Act *was supposed* to be followed, because it is well-known that in reality such rarely was the case. The inhabitants seldom were animated by a laudable desire to tax themselves for purposes of conservancy: they seldom did manifest the slightest anxiety to pay for cleaning or repairing the streets and drains. Where the Act was put in force, it was either through the efforts of a few European residents, or on a suggestion made by Government to the Magistrate of the district. The procedure in such a case was not exactly that contemplated by the law. The application would contain the signatures of the European residents and perhaps two or three influential natives, who had been talked over by the Magistrate, who were anxious to stand well and obtain favour in the eyes of the Government, and who perhaps thought that a seat on the committee would add no little to their dignity and social status. This achieved, the difficulty was overcome. To be sure, the letter of the law must be complied with. The application must be published, and the rest of the loyal and public-spirited inhabitants invited to declare their wishes. And in some few instances, perhaps the movement here received its death blow—and the multitude of petitions against the introduction of the Act swamped the Magistrate's worthy intention. For the most part, however, we believe that, whether to be attributed to fear or apathy or any other cause, there was a lamentable and conspicuous absence of declarations on either side. Freedom of speech has not yet become one of the blessings of English rule, to be prized by *individual* natives. Silence, however, was taken for consent, and the motion was considered carried by the negative adhesion of the inhabitants. If it is true, that the Government connived at this surreptitious mode of introducing the provisions of the Act, it can hardly excite our surprise, considering with whom it had to deal and the grand mistake of the legislature. Had the Government not connived, but had the strict letter of the law been in every instance carried out, it may be presumed that the Act would have had but a very limited sphere for its operation. Possibly the procedure was not in all respects legal. But the legislature, with a prescience worthy of a better cause, had provided against such a contingency by Section 5, which enacted 'that the said order shall be conclusive evidence that the provisions of this Act have been complied with.'

As the Act was intended to apply to all three Presidencies, and as matters of detail would depend in great measure on locality, progress of civilization, and other varying circumstances, its provisions were extremely general—it being left to the Executive in each case to legalize the particulars of the Municipal

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constitution. The Commissioners were required to propose a set of rules, which, after approval of the Local Government, were of equal force with the provisions of the Act. The Rules were to provide for the subordinate Establishment of the Municipality, the collection of a Municipal Fund, whether by House-assessment, Town-duties, or otherwise, and its disposal, the amendment of the Rules, and the definition and punishment of nuisances. The Act was extended to some few towns in Bengal—but its operation was extremely limited, and like its predecessor, it proved ineffectual for the purpose. The reason of the failure was undoubtedly the optional character of its provisions.

It was quite time, then, that the false cloak should be cast aside—that the Act should no longer be said to be introduced at the desire of those, who in many instances were known to be violently opposed to it—that the Government should dare to do what it wanted, openly and without having recourse to such transparent devices. And so the Council of Bengal stepped forward nobly, and demolishing with a single stroke of the pen all the flimsy fabric of Act XXVI of 1850, asserted the right of the Executive to dispense with the wishes of the inhabitants (whether expressed or otherwise), and to extend the Municipal system to any town or tract of country in the vicinity, whenever it shall be pleased so to exert its prerogative. We admire the spirit and independence of this provision. It seems to say, that the natives have been tried and found wanting—that they were not sufficiently advanced to appreciate such liberal treatment—that the European harness would not fit, and so there must be a retrograde movement to the dynastic yoke of Oriental autocracy. They must be *made* to govern themselves.

In 1856, an Act was passed to make better provision for the appointment and maintenance of Police Chowkeydars in cities, towns, stations, suburbs and bazars in the Presidency of Fort William in Bengal. This was essentially a Police Act—legalizing the levy of a city Police force by the Magistrates, and its payment by means of local taxation, either by an assessment according to the circumstances and property to be protected, or by a rate on houses and grounds according to their annual value. The surplus proceeds of such taxation was to be devoted to the purpose of cleaning the town, or of lighting, or of otherwise improving the same. Here were all the functions of a Municipality, but the *civic* corporation was wanting—and the Municipal duties were left to be performed by an over-worked Magistrate, assisted by a nominal punchayet, which in point of fact, however, was always a nonentity.

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In the Code of Criminal Procedure, Act XXV of 1861, a chapter was introduced 'Of Local nuisances'—whereby considerable powers are conferred upon Magistrates regarding the prevention or removal of public nuisances. The powers would indeed vie with the arbitrary nature of oriental government, were it not for the privilege of appeal to a jury from the Magistrate's order. But this privilege again is nullified by the proviso that the majority of the jury shall be the Magistrate's nominees.

In close connection with this subject, moreover, should be regarded the several Ferry-Fund Committees—a body of gentlemen selected by Government to assist the local authorities in the management of such roads, bridges, &c. as are not under the control of the Department of Public Works. These gentlemen are, as it were, trustees for the roads of the District, as in England the Justices of the Peace for the county through which a road passes are *ex officio* Commissioners of the Trust. The funds at their disposal are supposed to be the surplus receipts of the public ferries in the District—an appropriation being annually granted from the Amalgamated District Road Fund. The general objects to be kept in view in the administration of these revenues are, by Regulation VI of 1819, declared to be the maintenance of an efficient Police, the safety and convenience of travellers, the facility of commercial intercourse, and the expeditious transport of troops. 'If in any case there shall 'remain a clear surplus profit after providing adequately for those 'purposes, the amount collected shall be applied solely to the 'furtherance of similar objects, such as the repair or construction 'of roads, bridges and drains, the erection of serais, or other 'works of a like nature.' The Ferry Fund Committee is therefore a corporation, working with limited powers for the interests of the whole District and not merely of a town.

Having thus traced the origin of Municipal institutions in Bengal, and reviewed the previous legislation on the subject, we shall now proceed to examine more minutely the constitution of a Municipality, as regard its powers and duties, and the means it possesses of exercising those powers and fulfilling those duties. And we shall endeavour to illustrate our remarks from time to time by criticising the Act and Resolution placed at the head of this paper.

A Municipality has been defined as 'a body politic or cor-'porate established in some town to protect the interests of its 'inhabitants as such, and the maintenance of order therein, and 'consisting of the burgesses or freemen, that is, such persons as 'are duly and legally admitted as members of the corporate

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body.' Without entering at present on any discussion of the last clause, the duties of a commonalty may be summed up in the improvement of the town and the maintenance of order therein, and its powers should be commensurate with the attainment of these objects and no others. For the sake of convenience, we shall discuss these duties under the four-heads of Police, Roads, Conservancy, and Improvements.

The subject of Municipal Police has been thoroughly treated in the very able Resolution of the Governor-General in Council, in the Financial Department, and there can be but little to add to the interesting facts and conclusive arguments of this valuable State-Paper. Towns, as being the centres of wealth and industry, offer superior facilities for, and incentives to, crime, and therefore it is that the security of life and property therein demands greater attention than in the country at large. It is not unreasonable to expect that those who benefit from the existence of towns, should be called upon to defray the cost of the Police, which is necessary for their security and convenience. If there are advantages to trade from the congregation of numbers in the same place, and if, owing to that very congregation, a watch and ward is absolutely indispensable for the protection of life and property, it not unnaturally follows that the townspeople should pay for that, from which they alone derive any direct advantage. It is, on the other hand, most unreasonable and unfair to charge such expenditure against the general revenues, to tax residents in the country for the convenience of residents in towns. This sound principle has of late being gaining ground in India, and the occasion is now ripe for its universal adoption. From the earliest times each village community supported its chowkeydar—an institution unduly fostered by us in all its effeteness, but shortly, we trust, to be remodelled on a sounder basis. When large and opulent cities sprang up, there was some difficulty in harmonising the idea of a commonalty-police with the arbitrary and lawless character of the Government. It was impossible for the community to control its Police. The custodians of the public safety were the followers and satellites of the town-prefect. They merely did his bidding and their procedure was martial law. The towns-people paid for them undoubtedly. But only because they were obliged, or with the view of appeasing their rapacity, not because they regarded them as the means of security to life and property. We may be sure that the indiscriminate oppression practised by these functionaries was far from being acceptable to the citizens,—who would gladly have been relieved from the burden of having such unpleasant protectors quartered upon

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them. It has thus been left to the English, to perfect a system of Municipal Police for the towns of India. We have already adverted to the provisions of the Chowkeydaree Act, and it only remains shortly to consider the further legislation on the subject, in the Municipal Act under review. Section 34 says, 'The Municipal Commissioners shall set apart, *out of the annual* 'rate, a sum sufficient for the maintenance of Police Officers, 'appointed under Act XX of 1856 or Act V of 1861 (for the 'regulation of Police.) Provided that the number of Police Officers 'to be so maintained shall not exceed the proportion of one 'Police Officer to twenty-five houses.' And from Section 15, it is obvious that the maintenance of a Police is the first duty of a Municipality. The cost is to be defrayed by a rate on houses, buildings, and land—a mode of taxation, which will be considered hereafter. We only call attention to it now, because the law expressly provides that such shall be the method of raising funds sufficient for the maintenance of a Police Force. Two things then are worthy of remark in connection with this subject; first, that the maintenance of a Municipal Police is obligatory upon every town where Act III of 1864 of the Bengal Council has been introduced, and secondly, that the requisite funds must be raised in a particular way, viz., by house-assessment. In both respects the law only re-enacts the provisions of the Chowkeydaree Act, so that we may say that that Act has been embodied in the present Municipal Law of Bengal. But to what extent should the Municipality be charged with the cost of the city-police? The question is one of no easy solution. The Commission appointed in 1863, to enquire into the Police of the North-West Provinces, urge that 'all the Police employed 'in duties, the performance of which is necessitated solely by 'the existence of the town, should be defrayed by the municipali-'ties. These duties are the watch and ward of streets, bazars, serais, 'and ghâts, the protection of life and property, the preservation 'of peace, and the prevention and detection of crime within the 'town.' The Commission further contend that another body of Police paid from the State revenues, should be maintained in each city as the head-quarters of the watch of the surrounding country and for the performance of Government duty in the guard of Government property, the serving of processes and the custody of prisoners. It is impossible to fix the exact proportion in which to divide the cost of Police between the municipality and the Government. But probably no fairer method could be devised than that suggested by the Commission, taken in conjunction with the proviso of the Act fixing the maximum number of Police to be entertained at the expense of the

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community. It is important, however, that the efficiency of the Police should not be nullified by the evil of conflicting orders or too many masters. As regards discipline, the force should be under the charge of the District Superintendent. But at the same time the municipality should have the power of recommending how its funds should be appropriated, and the Police would of course be available for the prevention and detection of nuisances punishable under the Act. We quote again from the Resolution :—'It should be established as a principle throughout 'British India, that although the number and grades of the 'Municipal Police must be fixed with the sanction of the Local 'Government, and the Municipal Police must be under the same 'general superintendence as the Rural Police, the wishes of 'the municipal bodies will, as far as possible, be consulted in all 'that relates to the number and the internal administration of 'the Police of their respective Towns.' The Municipality especially should take care to provide a sufficient number to afford patrols by night as well as by day, and should demand that such patrols be actually on duty ,to give the alarm of fires and prevent obstructions in the street.

The next duty incumbent upon a Municipality is the construction or repair of roads and streets within the city. This is obviously necessary for the convenience of the inhabitants themselves, and if they regard with favour the commercial prosperity of their town, they will scarcely stop short at this point, but contribute moreover to such public works, as bridges, canals, and the like, as will facilitate and improve its trade. The roads of Bengal may be classed under three heads, the main or trunk roads under the control of the Executive, the cross roads, which are kept in repair by the Magistrate of the district, or by the Ferry Fund Committee (where such exists) out of an annual appropriation from the Amalgamated District Road Fund, and lastly the city-roads within the control of the Municipal Commissioners. It is a matter of experience that the first class, or post roads, are invariably kept in better order, and at less expense, by the Government, than they would be, if placed under the management of trustees. The cross roads of a District, on the contrary, are always better managed by local commissioners.

By Section 10 of the Municipal Act, all public highways, in any place to which the Act shall be extended (not being the property of and repaired by and kept under the control of the Government, and not being private property) are vested in the Commissioners; and the Commissioners are further empowered to agree with private individuals to take over other highways—which

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shall thenceforth be repaired and kept up out of the Municipal Fund.

We would venture to suggest that the maintenance of the District roads be also vested in the Municipal Commissioners of the Sudder Station, the usual appropriation from the Amalgamated Road Fund being made over to them. The Municipality would thus embrace the function of a Ferry Fund Committee, and share the responsibility of the chairman with regard to these, as well as the city roads. Individual Commissioners should also be encouraged to interest themselves in particular works. This plan of apportioning the common duties among the Commissioners has, we observe, worked well at Lahore, and might, we think, be introduced into other places with equal success.

The conservancy of the town is a subject, which is too often apt to be neglected, though perhaps none is of more vital importance. It is intended that all Commissioners should manifest some interest in the execution of this duty, and for this purpose each Commissioner is invested by the Act with the powers of a magistrate. The Act has defined with great exactness a large number of Municipal offences, with which the Commissioners are empowered to deal; so that, with an active conservancy establishment and the sanction of this law, no town in Bengal should again be disfigured by unsightly nuisances or decimated by epidemic pestilence.

It is further the province of the Municipality, when funds are available for the purpose, to improve and embellish the town. Works of this nature must always depend on the particular characteristics of the place, and it would be useless therefore to specify any which to our mind might appear entitled to precedence. But a good water supply, ornamental gardens, and shady avenues are objects worthy of the attention of all Municipalities.

We propose next to discuss the powers with which Municipalities have been armed by law, in order to achieve such beneficial results. And foremost among these must be placed the power of raising a Municipal Fund.

The funds of Municipalities in this country may accurately be classed as arising from three sources; rents, fines, and taxation. In many instances the revenue of certain lands situated within the limits of the Municipality has been assigned to it by Government at the time of its incorporation, the ground-rents or the sale-proceeds of building sites being devoted to the improvement of the town. It is, in fact, under such circumstances that new stations and towns are created in India.

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Witness the Hill stations of Darjeeling, Cherra Poonjee, and Shillong, or, in our immediate vicinity, the rising port of Canning. Without such a guarantee, capitalists would hesitate to expend their money in what would appear an imperfect scheme; without the prospect of good roads, and drainage, few men would come forward to build inaccessible and unhealthy houses.

The second item of income embraces the fines and penalties attaching by law to the commission of certain defined Municipal offences, and which the Commissioners are authorized to impose and levy. The conservancy establishment ought by this means to pay its own expenses, and it can hardly fail to do so, if the provisions of the law are fairly and energetically enforced. Fines are, moreover, an equitable source of revenue, as being a a tax which principally falls on those, who by their laches and negligence render necessary a public conservancy.*

The subject of Municipal taxation demands the fullest enquiry. We hinted in a former paragraph at the advantage to be derived from the application of the system of local taxation to the expenditure on the construction of public works. The public may justly complain, when they see the imperial revenue squandered (for to the public at large, they thus seem to be squandered) on particular localities. They have a right to demand that towns should be improved at their own expense. And the system of local taxation is the fairest, not only as regards the public at large, but in the interests of the cities themselves. As it is unfair that the public should be called on to contribute to general improvements from which they can derive no benefit, so is it scarcely consonant with equitable principles that one locality should be unduly improved at the expense of another. When each place pays for its own improvements, it pays for just as much as it requires and no more; while the taxation is not grudged so long as the proceeds are known to be expended for the benefit of the contributory community. We cannot do better here than quote a passage from Adam Smith on this subject. 'Even those public works

* Since the above was written a proposal has been made to Government to aid Municipalities from the Amalgamated District Road Fund, by an annual grant equivalent to the amount heretofore expended on Station Roads from that source. In modification of this suggestion, the Lieutenant-Governor has by a late Resolution made over to the Municipal Commissioners the proceeds of such ferries and pounds as may have been, or hereafter may be, established within the limits of their control. The proceeds of the ferries are of course *rents*, and may fairly be devoted to municipal purposes; the *fines* levied at pounds also legitimately belong to the local fund.

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'which are of such a nature, that they cannot afford any revenue 'for maintaining themselves, but of which the convenience is 'nearly confined to some particular place or district, are always 'better maintained by a local or provincial revenue, under the 'management of a local or provincial administration, than by 'the general revenue of the State, of which the executive power 'must always have the management. Were the streets of 'London to be lighted and paved at the expense of the Treasury, 'is there any probability that they would be so well lighted 'and paved as at present, or even at so small an expense? The 'expense besides, instead of being raised by a local tax upon 'the inhabitants of each particular street, parish or district in 'London, would in this case be defrayed out of the general 'revenue of the State, and would consequently be raised by a 'tax upon all the inhabitants of the kingdom, of whom the 'greater part derive no sort of benefit from the lighting and 'paving of the streets of London.' The communities of towns more particularly should thus pay for their own convenience. There is comparatively a much greater expenditure incident to towns, from which none but the inhabitants derive the smallest advantage. People congregate in towns for purposes of trade and commerce: they require good roads and streets, perhaps well lighted and watered; they require a body of Police sufficiently large to guarantee the security of life and property, and consequently they must expect to pay for these conveniences. It is scarcely equitable that the Indian revenue should be drawn upon to defray the cost of patrols on the Calcutta Course.

In considering the proper subjects of municipal taxation, it is necessary to premise that a distinction must always be kept up between local and Imperial taxation, and the one should not be allowed to interfere with the other. 'Surcharges on 'imperial taxes in the shape of municipal dues ought on no 'account to be permitted. There will be no limit either to the 'burdens upon the people or to the dilapidation of the general 'revenue, if municipalities are allowed to add taxes of their 'own to the imperial Customs and Excise.' We quote from the Resolution, and it is a passage which all Municipal Commissioners will do well to bear in mind.

There are four sorts of taxes which have always been considered in India legitimate local taxes. They are (1) house or land assessment, (2) capitation taxes, (3) taxes on carriage and horses, and (4) town duties or octroi.

A rate upon all houses, buildings and lands, according to their annual value, is probably the simplest, fairest, and cheapest

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local tax, and is that invariably preferred at home. The lands situated within the municipality will generally, to a great extent at least, be building-sites—a monopoly in land created solely by those very causes, which lead to the necessity for local taxation, and therefore the fittest subject for that taxation. The owner of such lands can well afford to pay a small percentage for the benefits he derives from the improvement and security of the town. Whatever tends to increase the prosperity and population of the town, tends also to enhance the value of ground rents, and the land monopolist may fairly regard his tax as a safe and profitable investment of capital. When the ground is built upon, the owner will naturally endeavour to throw the burden of the tax upon the tenant, by proportionally raising his rent; but, except in very limited societies, this inequality will ultimately adjust itself by a general reduction of rents, and the tax will fall as it ought,—partly on the tenant, but chiefly on the owner of the ground. Even so far as the tax falls on the tenant, it is perhaps the fairest imposition that can be devised. A man's residence is generally in accordance with his position and wealth, and his susceptibility to taxation proportioned to his house rent. If the tax falls heavily on the rich, this is perhaps a fortunate result, at any rate not one to be deprecated. Under Act XX of 1856, (Chowkeydaree Act), the rate was payable by the *occupier* of the house or land; but by the present law the *owner* is responsible for the tax. As we have stated, the tax will ultimately fall in unequal proportion on both, and it matters little by which party it is advanced. If advanced by the owner, he will raise the rent; if by the occupier, he will rent a cheaper house and so diminish the competition for the more expensive. There are advantages however in levying the tax from the owner, the expense and inconvenience of collection being considerably less, inasmuch as the whole street or square may belong to the same person, and the rates may be levied at once. It has been attempted to distinguish the ground-rent from the house-rent, and to levy the rate separately upon each. But such attempts must always fail. The owner will still charge the whole rate in addition to the ground rent, and the tenant will be driven as before to a cheaper class of residence. It is obvious moreover, that where the house rent, as including the ground rent, is taken as the annual value of the property, a further tax on the ground rent itself is simply a double assessment and illegal.

Capitation and license taxes are perhaps the most unequal that can be devised. The former are usually proportioned to

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the wealth of the individual, and have therefore all the disadvantages of an income-tax. The latter are supposed to be proportioned to his rank and calling; but the degrees of wealth are frequently unequal in the same degree of rank. Such taxes are moreover arbitrary and uncertain, when applied to the rich; and are taxes on the wages of the poor. The 'assessment 'according to the circumstances and the property to be protected 'of the person liable to the same,' legalized by Act XX of 1856, was a capitation-tax regulated according to wealth. It has now been laid upon the shelf in close proximity to the Income-tax, and it is to be hoped they have both been relegated *sine die*. The license tax, levied by the Calcutta Municipality, is a capitation tax regulated according to rank. The population is divided into six classes, according to trades and callings, and the members of the trades and callings of the same class pay the same fixed annual tax. Thus merchants, physicians, and attorneys all pay Rs. 50 per annum. But one merchant may have an income ten times as large as another, and a hundred times as large as that of a young attorney. A broker again under Class III pays only Rs. 25 per annum, but many brokers have twice the income of dentists and architects. The idea of correlative wealth must enter into the principles of taxation; and every system which disregards such idea, is unequal and unjust.

A tax on carriages and horses is a legitimate tax, not only as being a tax on luxuries, but as a means of levying funds for the repair of the wear and tear they occasion to the roads of the municipality. As a tax on luxuries, it has in England been deemed a legitimate *imperial* tax, and as a local tax the only possible objection to it is the smallness of the amount thereby produced. The tax has advantages over tolls taken on the roads, as being cheaper in the collection, and not tending to discourage trade or tax the poor. Carts, as being articles of husbandry, are not fit subjects for a high tax, but a small amount may fairly be taken as compensation for the advantages of good roads and easy communication. We would remark however, that the framers of the Mofussil Act apparently lost sight of the large number of native conveyances drawn by bullocks. There seems no reason why the native zemindar should not pay as much for his two-wheeled 'baili,' as the planter for his buggy.

We have lastly to consider the nature of town-duties or octroi. This method of taxation has been considered in the Resolution under review, and the report which led to the abolition in 1835 of the Town-duties in Bengal as an imperial tax, has been added as an Appendix. The

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Resolution itself does not express any strong opinion one way or the other, but it may be presumed from the Report annexed, that Town duties in the opinion of the Government should only be resorted to as a last resource. That Report bears the signature of our late Finance Minister, and when we consider the mad escapade of the export duties, we cannot conceal our astonishment that in the last thirty years, Sir Charles should have forgotten the first principles of political economy, with which he was then apparently well acquainted. No one reading the Report could possibly imagine that the writer, thirty-two years later, would seek to fetter the trade of this country, by the very same means which he then anathematised in the case of towns. Speaking of the octroi, he writes; 'Upon whatever town it may be 'imposed, it amounts nearly to the same thing as if a sentence 'of exclusion had been passed upon it from its share in the trade 'of the country and the manufacture of some of its principal 'staples. This is an inequality indeed. Trade and manufactures 'are as much the natural source of the prosperity of towns as 'agriculture is of the country; and here we have a tax which 'places a few towns upon which it is imposed under the most 'serious disadvantage with respect to these branches of industry, 'compared with the remainder which are left entirely free.' And this is illustrated in another passage by the manufacture of *sugar*, where the staple had to pay a tax on entering the seat of manufacture, and where accordingly 'the improvement of 'the manufacture cannot be carried beyond the means which 'the limited consumption of a single town affords. If the 'undertaker were to attempt to extend his operations by supply-'ing the country in the neighbourhood or the foreign market, 'he would be immediately undersold by the sugar manufactured 'outside the town duty Chowkeys.' A little thought would have convinced Sir Charles Trevelyan that the result would be precisely the same, whether the raw material paid a duty on entry or the manufactured article on export from the town. It is a curious fact that this Report would have been re-published in the Financial Department, so very shortly before the publication of the Budget and the imposition of the export duties.

It is necessary to distinguish carefully between town-duties, as such, and transit-duties. The latter are duties paid upon all goods in transit—a mode of taxation known and practised in every State of India as well as many European countries. They were originally established probably for the maintenance of the public communications, and operated as a sort of toll. But they invariably enhanced the price of commodities, interfered with trade, and were finally abandoned with the increase of civilization.

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The attempt to induce the Natives states to forego this lucrative source of revenue has lately been one of the most successful points of our foreign policy. Town duties, on the other hand, are intended to be levied upon articles actually consumed in the town, and thus to act as a local customs. We inherited this source of revenue also from the Native Government, which levied the duties under the name of 'choongee.' The collection of the tax was remodelled by Regulation X of 1810, and the duties were made chargeable upon light articles of consumption only, *viz.*, grain, legumens, oil, sugar, ghee, tobacco, betelnut, and turmeric. The duties were entirely abolished as a source of *imperial* revenue by Act XIV of 1836, though it was still thought that they were a legitimate means of *local* taxation. But the evil attending them is just as serious and patent, whether they contribute to the fiscal or Municipal income. Under the best system of collection, they have always interfered, and always will interfere, with the general trade of the country. Municipalities cannot help confounding them with transit-dues, anxious possibly to raise a revenue at the expense of their neighbours. But, however legitimate such a course may be, in the case of countries competing against each other, it is obvious that such a policy strikes at the very principle of all local taxation, which is, that each locality shall be *self*-supporting. The government of a country has the interests of its subjects only at heart, and, in the present state of international commerce, is scarcely justified in considering those of other countries. But towns are only parts of the whole, and where self-government has been conceded, it is no less the duty of government to provide against the contingency of one town seeking to aggrandize itself at the cost of others. 'If,' says the Resolution, 'the duties 'could be confined to things consumed in the town, without 'interfering with the transit trade, they would be only open 'to the objection that they fall in undue proportion on the 'poor.' But this again to our mind is a most serious objection, and one not to be dismissed with so casual a notice. Taxes should fall equally on rich and poor in proportion to their means, and if a tax falls proportionally rather heavier on the rich, no one would deem it unreasonable or have just cause of complaint. Possibly the rich ought to pay not only in proportion to their wealth, but should contribute specially towards the establishment of good government and the security of property. But when the poor are taxed beyond all due proportion, surely it is time to reform the system of taxation. If there were no other arguments against the imposition of town-duties, this alone in our opinion is worthy of striking their death-blow.

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The most cursory glance at the schedule of taxable articles in any place where *choongee* duties are levied, will convince any one that such duties must fall with undue weight upon the poor. They are usually collected on the commonest necessaries of life, the produce of the neighbouring country. A rich family may not consume more ghee or firewood than a poor one, but both are taxed to the same extent. There are other weighty objections to the tax we are now considering, such as the expense of collection and the inconvenience of vexatious search. But we have not space to discuss this branch of our subject further, and can only refer the reader to Sir Charles Trevelyan's original Report.

Of the four descriptions of taxes detailed above, the three first have been legalized in the Calcutta Municipal Act, and two, the first and third, in the Mofussil Act. Town duties, though they existed, in places, under the old law, have not been recognized by the Bengal Council in framing either enactment.

'All monies, rents, and profits received by the Municipal 'Commissioners of any place, and all fines, fees, and penalties 'paid or levied under this Act, shall constitute a fund which 'shall be called the Municipal Fund of such a place, and shall, 'together with all property of every nature and kind, which 'may become vested in the said Commissioners, be under their 'control, and shall be applied by them as Trustees for the 'purposes of this Act.' It is obviously no more than just, that the Municipality should have the control of funds raised by self-taxation. The account and audit of expenditure will therefore be left to the Commissioners. The Government Treasury will operate simply as a Bank, and the Accountant-General will not be required to trouble himself further as regards the expenditure, than to see that the cheques are properly drawn and receipted. By a late order, the Chairman may, of his own motion, draw sums not exceeding Rs. 300; drafts for larger amounts requiring the countersignature of two other Commissioners. There is apparently no limit however to the number of sums which the Chairman may draw for the same purpose, and in the same day. It would be impossible for Government to fix any limit, and this is a matter, which may properly be left to the Commissioners themselves to regulate. The only safe method of administering the common fund is naturally, as with Imperial accounts, by a strict system of estimates, and by a thorough searching post-audit. Each item of expenditure should at the commencement of the financial year be estimated and passed in detail; and the Chairman will then be responsible that

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the passed estimates are not exceeded. All estimates for roads, buildings, and other public works should be carefully examined by the Executive engineer, (who for this purpose is *ex-officio* a Commissioner), and should not be passed without his approval. It too often happens that when the estimate is passed, however, Commissioners imagine their work to be over and hardly give another thought to the subject. But in very rare instances will the actual cost of any work correspond with the estimate; and unless some further check is imposed, the Clerk or Overseer may be discovered some day in the character of a fraudulent contractor. After execution therefore, each work should be visited and tested, and the accounts carefully examined. The task might be performed by a sub-committee specially appointed for the purpose, and their report, with a 'completion-statement,' should be submitted to the Commissioners. We ourselves indeed are strongly in favour of the efficacy of sub-committees, and in the case of Municipalities, we believe, they have always been found to work well. They relieve the Chairman of a large amount of labour and responsibility, and they give an interest and zest in their work to the non-official Commissioners. While the control of its expenditure is thus left to the corporation itself, the Government reserves to itself the right to be informed of all its financial proceedings, in order to check, if necessary, lavish waste or misappropriation. All civic bodies in England are required to submit annually a balance-sheet for the information of Parliament: and similarly, under Act III of 1864 of the Bengal Council, an annual estimate for the ensuing year, and such statements of income and expenditure as may from time to time be called for, must be submitted to the Local Government. For it behoves the Government to see that the funds raised are devoted to the objects for which only their levy is legal, and it is moreover its duty to provide that one of these objects is not unduly sacrificed to another—that embellishments for instance are not pushed forward to the detriment of more substantial improvement, and regardless of the state of efficiency of the City Police.

We proceed to consider the constitution of Municipal bodies in Bengal.

The election by the burgesses of their representatives is considered in England to be a fundamental condition of the idea of a commonalty. We conceive it to be simply an accident, and not necessary to the success of the system. It is one step further towards that individual liberty which free institutions are sure to engender, but it is not absolutely requisite for the faithful administration of local affairs. The Justices of the Peace watch

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the interests of the county at home, and, whatever may be said against their dispensation of justice, no one will deny that the whole country is indebted to them for the zeal and public-spirit they display in carrying out works of local improvement. Yet the Justices are appointed by the Crown, generally on the nomination of the Lord Lieutenant. And similarly, in this country, Municipal Commissioners are appointed by the Government. In some places, it is true, the inhabitants were allowed to elect and nominate their representatives, and it may be thought a retrograde movement in the Act to vest the appointment solely in the Government. But it must be remembered that the principle of election has never yet been embodied in any Indian legislative enactment; and, where it existed, it was simply a provision of the Local Rules, acceded to by Government. The sanction of Government was even then, however, requisite to legalize the proceedings of the electors, and indeed under the present law there is nothing to preclude the election and nomination of representatives, the prerogative of ultimate confirmation being reserved to the Local Government. The day may not be far distant, when the principle of election may be successfully extended to all Municipal Towns throughout India, but at present it will be readily admitted, the country is not ripe for so liberal and important a measure. The natives, with few exceptions, are not as yet sufficiently advanced to appreciate the blessings of independent self-government, and it is quite possible that some might regard the 'how not to do it' as the acmé of perfection in a representative.

The minimum number of Commissioners under the Act is ten, of whom five must assemble to form a quorum. The Commissioner of the Division, the Magistrate of the District, and the Executive Engineer, are *ex-officio* Commissioners for every municipality within their respective jurisdictions—the only qualification required in the rest of the Commissioners being that they reside within the limits of the municipality. The Magistrate of the District is moreover *ex-officio* chairman of the Commissioners, and he therefore, as heretofore, remains responsible to Government for the order and good management of the town as well as the District committed to his charge. By Section 20, he is authorised to exercise all the powers vested by the Act in the Commissioners for the transaction of municipal business—provided that he exercise no power, 'which it is 'by the Act expressly declared shall be exercised by the 'Commissioners at a meeting.' Section 21, moreover vests in him, as Chairman, the power of appointing and dismissing the subordinate establishment. Under Act XXVI of 1850,

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one of the things to be provided for in the Rules therein prescribed, was 'the appointment and management of all 'necessary officers and servants of the Commissioners, and the 'salaries to be allowed to them.' Those Rules had to be sanctioned by the Local Government, before they could be legally acted upon—or in other words the sanction of Government was required for the entertainment of every chaprassy or sweeper, whom the Commissioners might propose to appoint. The absurdity of this arrangement is the more obvious, when we consider the apparently uncontrolled authority which the Municipality possessed in the disbursement of the common fund on other objects. The Establishment will now be regulated by the Commissioners themselves at the time of passing their annual estimates, and the Chairman will be authorised to entertain such subordinate officers and servants only, as may have been provided for in the municipal budget.

It will be seen from the above, that the District Municipal Improvement Act of Bengal has remedied many defects existing in the old law; not merely by empowering the Lieutenant-Governor to introduce its provisions wherever he thinks necessary, regardless of the wishes of the inhabitants, but in providing one uniform and legitimate system of local taxation throughout the Lower Provinces, in defining with precision certain municipal offences and giving Commissioners jurisdiction over them, and in rendering obligatory on every town the maintenance of its own Police. There are other provisions of the Act worthy of notice. Like all aggregate corporations, the municipality is empowered to purchase and hold landed property, and facilities are provided for compelling the sale of land to the Commissioners and for ascertaining the value thereof, as though it were required for Government purposes. Unlike other corporate bodies moreover, the Commissioners may of their own authority alienate lands by sale, whenever such course appears advisable. The personal liabilities of Commissioners and their exemption from liability are also the subject of legislative enactment. No Commissioner will be personally liable for any contract made or expense incurred by the Commissioners, provided that he has not been a party to any misapplication of municipal moneys, or by personal neglect facilitated such misapplication. No Commissioner however can be interested, directly or indirectly, in any contract with the Municipality, under penalty of fine and removal from office, and even though a Commissioner be a shareholder only in a registered or incorporated Company with which a contract is made, he is thereby debarred from acting as a Commissioner in any matter touching that contract.

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The legislation on the subject of the mortgage of rates for the construction of permanent works is worthy of notice. By section 16, the Municipality is empowered, with the sanction of the Lieutenant-Governor, 'to make, maintain and 'repair any work of public utility, such as any tunnel, bridge, 'drainage work, work for the supply of water, or for lighting 'streets, work for the improvement of a river or harbour, dock, 'wharf, ghaut, or quay; also all works subsidiary to such 'works.' And for the purpose of raising funds for the construction or maintenance of such work, the Lieutenant-Governor may authorize the Commissioners to borrow money 'by way of debenture' on the security of their corporate property and taxes, 'at such rate of interest and upon such terms as the said Lieutenant-Governor may approve.' Here would appear to be recognized Sir Charles Trevelyan's plan of meeting the Public Works expenditure by means of a loan. The plan has certainly not found favour either in this country or at home. Brilliant as this idea undoubtedly is, the public are nevertheless not yet satisfied that it is one either of sound finance or of straightforward morality. The arguments urged against this mode of executing Imperial works, may possibly be employed with equal force to dispute the wisdom and honesty of constructing local improvements by the aid of borrowed capital. It is hardly necessary to review the question here. The opponents of the system of Public Works Loans rely chiefly on the injustice done to posterity by saddling it without its consent with the annual payment of a large sum as interest on the capital expended, over and above the expense of repairs. They urge with reason that no human work, however solid, is strictly permanent in its nature, or can defy the ravages of time. And they finally throw out gloomy fore-bodings as to the ultimate bankruptcy of that Exchequer, which has recourse to shifts so hollow and unbusinesslike. The supporters of such loans on the other hand, argue that it is quite as unfair to tax the present generation for the construction of public works from which posterity will derive equal benefit—that the security of such loans has a better guarantee than all the capital sunk in private Railway and other Companies,—and they even at times go to the extent of eulogising the system on the ground that the safety and welfare of the State is proportioned to the number of its public creditors, and the amount they have at stake.

For our own part, we would make a distinction between what are called reproductive and unreproductive works. If by way of profits, rents, tolls, or taxes, the work can be made to yield a return sufficient not only to defray the interest accruing on the

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original capital, but also to lay by a reserve fund for emergencies and occasional repairs, we can discover no reason, why the State should not borrow such capital as is required without anticipating a future of possible insolvency. But the cost of works from which no return can be expected, should in our opinion be exclusively defrayed by the generation executing them, and any attempt to construct such works by means of a loan at the expense of posterity, we cannot but look upon as impolitic and unjust. The same remarks will apply to Municipalities. We consider that a municipality is perfectly justified in borrowing capital for the construction of a bridge or canal, the tolls of which would afterwards pay the interest of the capital expended and contribute towards a reserve fund. In the same way a town might be lighted or supplied with water, the lighting or water rate being proportioned to meet the annual and contingent expenditure. But, we do not think, that any municipality would be justified in digging tanks or constructing ghats, from which no revenue whatever could be expected, by means of funds raised upon the security of the general rates, or otherwise than by surplus funds actually at its disposal. Like the promoters of any other Company incorporated for a special object, the Commissioners are bound to look to the chance of a dividend from the actual object in view. It is not enough that the security of the loan and the annual payment of interest be guaranteed by the common property, and revenues accruing from other sources. If the special work thus executed fail to yield a return adequate to the expense of its construction, such security is insufficient, and the public is burdened with oppressive taxation. The difference in practice may be easily stated. Supposing the work to be executed out of actual income, if the work be unproductive, all, high and low, rich and poor, will be heavily taxed during its construction; while, if the work be of a remunerative character, this heavy taxation will be succeeded by a still greater reduction to such an extent as the Municipality benefit by the return from the work. On the other hand, were the requisite funds to be advanced on debentures by the richer portion of the community, the rates would have to be permanently increased to defray the interest accruing on the capital thus borrowed, unless indeed the work were of such a nature as to yield an adequate return for its cost.

Lastly the Commissioners are empowered to make bye-laws and to impose small fines as penalties for their infringement. The bye-laws are to provide for the time and mode of collecting the rate and taxes legalized by the Act, to regulate the conduct of the subordinate officers and servants, to make special rules

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for the management of all matters connected with conservancy, and for carrying out all the purposes of the Act. The bye-laws when framed are published in three successive issues of the *Gazette*, when if unopposed, they will receive the approval and confirmation of the Lieutenant-Governor, and be equally valid with the provisions of the Act.

Such are the chief features of the Municipal system, which has lately been extended throughout Bengal. Those who will take the trouble to compare the two, will observe that it is modelled on the more elaborate provisions of the Calcutta Municipal Act. The Mofussil Law is however sufficiently explicit for all practical purposes, and wherever introduced, will, we believe, be found to work well. It would be too much to expect that such a law should meet with no opposition; and accordingly we find the local press inserting frequent objections. But the very fact of the variety of these complaints, often indeed their own contradiction, is in itself an argument in favour of the consistency of the Act. If the high rate of assessment forms the subject of a petition from one quarter, the adjoining Municipality will probably urge that their taxes are considerably less than under the old law, and insufficient. If again the system is stigmatized as a 'half measure,' a 'mockery of self-government,' we would simply assert that it is a great step in advance of the previous law. We do not assert that the Act is perfect, either in the general scope or in the terms of its provisions. We have already stated our opinion, that the natives of India are as yet unprepared for a more liberal municipal system, as existing in highly civilized European countries. We look upon the present as a tentative measure, and we feel convinced, that so soon as they have proved themselves worthy to wield a large share of power, that capability will vindicate its own rights. Constitutional principles are ever of slow growth and generally mature in the experience of generations. An exotic may possibly be acclimatised by patient and careful treatment, but if suddenly taken from the tropical warmth of the conservatory, and exposed to the bleak wind or the nipping frost, our labour is spent in vain. In this view do we regard the present Municipal Law, comparing it with what has gone before, as another milestone gained on the road towards constitutional liberty. And regarding it in this light, it would seem to be a wise and useful law. Its provisions are definite, and they are conceived in a liberal spirit. It asserts the prerogative of Government at the same time that it invests the subject with dignity and honour. It is a measure of large and statesmanlike views, and we hail its extension throughout the Lower Provinces of

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Bengal, as the introduction of a new phase in the social aspects of the country, and as a valuable means of education for the people in the important lessons of self-government and self-help.

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ART. III.—1. *Report of Her Majesty's Commissioners, appointed to enquire into the Revenues and Management of certain Colleges and Schools, and the studies pursued and instruction given therein.* With an Appendix and Evidence. Presented to both Houses of Parliament, by command of Her Majesty. London: 1864.

2. *An Address from the Bishop of Calcutta to the Clergy and Laity of his Diocese.* Simla, 1864.

3. *Rules and Regulations of La Martinière, founded in Calcutta, under the will of Major General Claude Martin.* Published by order of the Governors. Calcutta, 1847.

4. *Annual Report of the La Martinière, Calcutta, for* 1864. Calcutta, 1865.

5. *Forty-Second Annual Report of the Parental Academic Institution and Doveton College, read at the General Meeting of the Society, held on the 21st March,* 1865. With an Appendix. Published by order of the Society. Calcutta, 1865.

6. *Report of the Calcutta Free School, for the year* 1864. Calcutta, 1865.

7. *Second Report of the Calcutta Diocesan Board of Education,* 1865.

8. *Short Daily Services for the use of Christian Schools in India.* Published by the Calcutta Diocesan Board of Education. Calcutta, 1864.

9. *Address delivered by the Hon'ble H. S. Maine, L.L.D., Vice-Chancellor of the University of Calcutta, to the Senate and Graduates, at a Convocation for conferring Degrees, on Saturday, the 11th of March,* 1865. Calcutta, 1865.

IT has almost become commonplace to dwell on the multitude of difficult questions which the mutiny has left to be solved. Not that the mutiny was the cause of the great changes which have come and are coming over India; at best, it was but the occasion of them. The changes had probably long been inevitable, since they are in accordance with the progress of thought and society in Europe. Indeed some had begun before the mutiny was imagined. But still that great outbreak was the torch which spread the flame over a mass of combustible matter

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already prepared for the burning, and therefore the years 1857 and 1858 may be regarded as the turning point or watershed, which divides the India of the past from the India of the present and the future. The transfer of the government to the Crown, the amalgamation of the armies, the opening of the Civil Service, the extraordinary development of internal communication, the encouragement of settlers, the rapid spread of tea-planting, coffee-planting, and many other agricultural and commercial speculations, the reform of the finances, the foundation of the universities, postage stamps, bank notes, sanitary reforms, had their origin some before and some after these two eventful years, but still to future historians, taking a rapid glance over the English rule in India, all will appear concentrated in the middle of the 19th century, all will mark that epoch, in which the mutiny stands out with terrible prominence as the most distinct and appalling feature.

We, then, whose Indian lot is cast after the mutiny, have to deal not with a time when widow-burnings and Jagganath-sacrifices were protected by law, and missionaries driven away to Danish Serampore or heathen Ava; and when officers were allowed eight months to travel from Calcutta to Delhi, and trembling interlopers were furnished grudgingly with passports and permissions to reside, and when the services consisted of a long muster-roll of almost hereditary officials, and newspapers were silenced or left under a censorship, and few Anglo-Indians had any other destiny before them than to hurry off to Bath or Cheltenham as soon as their service was over, with enlarged fortunes and livers; but with the India of telegraphs, and railways, and public opinion, and free-trade, and Bethune Societies, and ceaseless examinations, and indignation meetings, and the universal agitation which excites this bustling age. Doubtless, the change is on the whole for good, but it also brings with it abundant evils and dangers. And the duty of all thoughtful men is to develop the good and mitigate or destroy the evil by those elements of Christian civilization, which, in a day of progress, and competition, and eager search for wealth, are only too liable to be forgotten or despised.

For it is clear that the English residents in India will henceforth form an important element in its population. They may be comparatively few in number, but every unit among them will be multiplied tenfold by the inheritance of Anglo-Saxon energy. The various branches of industry above enumerated must constantly bring in fresh additions to this population from Europe. Every Indian railway is thronged with European officials. Road surveyors, contractors, tradesmen, custom-house

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officers, are scattered all over the country. Assam and the slopes of the Himalayas abound with tea-planters, Tirhoot and Lower Bengal with cultivators of indigo. The Indus, the Brahmaputra, the Irawadi, the Ganges still to some extent, and the whole coast from Calcutta to Persia on the one side, and to the Straits on the other, are navigated by steamers under British commanders. We have no statistics of the number of Europeans permanently settled in the country, but it must be considerable. The principal clerks at our seats of government and other chief cities belong to this class; and in the Bengal Presidency there are now no less than seven seats of government, Calcutta, Allahabad, Lahore, Lucknow, Nagpore, Rangoon, and Singapore, to say nothing of other stations of scarcely inferior importance. The trading places on the Burmese and all the coasts, and cities like Agra and Delhi, to which Mr. Maine had been attracted before they were directly subject to British rule, contain many families of mixed race. All these have moral and spiritual, as well as physical wants; they have children whose minds must be cared for as well as their bodies; the same influences which are employed to rescue Europe from the perils of a coarse materialism are also needed here; such a population, if left to grow up and extend itself without any improving and refining influences, will be at once a discredit to the English name, and a hindrance to the Gospel. Coleridge said that the two greatest evidences of the truth of Revelation are Christianity and Christendom, the beauty of scriptural doctrine, and the sight of a Church of living men and women, exhibiting the effects of that doctrine in their lives. But if the professing Church does not exhibit these effects, and is not penetrated by those other ennobling influences which the Gospel has always appropriated and developed, this chief evidence for the truth of our religion is neutralized and destroyed. *If the salt have lost his savour, wherewith shall it be salted?* Indeed, there is one reason for which this salt of Christianity has a direct connection with our own position in this country, under its altered circumstances. It cannot be denied that when a young and thoughtless or uneducated Englishman is brought into contact with a weak and timid race, especially an Oriental race, he is apt to treat those who cross his will with no little tyranny and injustice. We do not indeed share the universal distrust of colonists which has been attributed to our countrymen at home; but we must admit that the more helpless of the natives often suffer considerable indignities, not only from Europeans, but still more from those among their own countrymen who are in the employ or

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supposed to be under the protection of Europeans. Such evil arising from our national character and our position in India must be aggravated tenfold, if while the European population is annually recruited from the middle classes of English society, these recruits and their descendants are scattered over the country without that direct responsibility to Government which is always present to members of the services, and without any moral and religious restraints on the indulgence of their own inclinations.

It is clear, then, that over and above the highest and distinctly Christian considerations which should rouse us to exertion, there are social and political reasons for which our increasing Anglo-Indian population must not be left uncared for. Vigorous measures must be adopted to supply among them those Christian ordinances and influences which are proved alike by God's promises and long experience to be the only leaven capable of purifying a secular life, and to provide their children with a sound education, that the next generation may be prepared from the first to do their duty manfully and intelligently to their Creator, to one another, and to the country in which their lot is cast. It is not our intention now to enter into the first of these great needs: we shall provide sufficient occupation for ourselves and fatigue for our readers by a discussion of the second.

The subject of education has lately been brought into more than usual prominence both in England and India, not only through the mania for competitive examinations, and the fact, now generally accepted, that these need considerable reform, nor through the countless reports of the Committee of Council at home, and Directors of Public Instruction here, nor even though the ceaseless squabbles about grants-in-aid and payments by results, but chiefly through the interesting and elaborate report of the Public Schools' Commission. These four closely printed folios not only contain a complete history of the nine old public Schools of England, Eton, Winchester, Westminster, Charterhouse, St. Paul's, Merchant Taylors', Harrow, Rugby, and Shrewsbury, together with briefer sketches of the briefer annals of their chief modern rivals, Cheltenham, Marlborough, and Wellington College, but they furnish us with a perfect storehouse of theories and principles of education, in the papers and *vivâ voce* answers of the twelve headmasters and principal assistant masters of the schools above enumerated, of the most conspicuous tutors and professors of both universities, including names like Rawlinson, Scott, Riddell, Conington, Price, Mayor, Hammond, Liveing, and Latham, and of men of the first rank in science and literature, such as Gladstone, Whewell, Herschel, Acland, Airy, Faraday, Hooker, Lyell, Max

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Müller, and Owen. Its publication, therefore, is not only very important for England, but seasonable also at the present crisis for India; and we gladly take advantage of it to call the attention of our readers to the really great questions connected with the education of Europeans and Eurasians in this country. It is our purpose first to sketch, as briefly as possible, what has been done, and what it is proposed to do, and then, returning to the English Public Schools' Report, to offer a few suggestions as to the kind of education suitable for the class whose interests we are advocating. Our sketch will be designedly imperfect, that it may be restricted within moderate limits. The subject of female education we omit altogether, as deserving a separate article, and likely to be better treated, if the new Commission, lately appointed to report on the smaller Grammar Schools, listen to the request addrest to them by the fair occupants of sundry Belgravian and ecclesiastical mansions, that they will improve the girls as well as the boys, or if the University of Cambridge carries out the project of probing the arithmetic and geography of the softer sex. Neither shall we speak of those noble institutions for soldiers' children which have added a special lustre to the great name of Lawrence, because they stand apart from the other schools, and the need for them has arisen from a peculiar cause. Once more, we shall say nothing of the state of Roman Catholic education in India, because any amalgamation with it or application of it to more general purposes is, as a matter of fact, quite impossible. Our article is written from the point of view of the Church of England, yet not, we trust, so as to exclude or offend other Protestants, or members of Eastern Churches who can speak the English language, as Greeks and Armenians.

Of the schools by which the wisdom and piety of past generations sought to provide some amount of education for the Christian population of this Presidency, when it was comparatively small, we believe that the oldest is the Free School of Calcutta.* In the year 1729, a date for so modern a country as British India of almost mythical antiquity, the Company's servants and adventurers in Calcutta set on foot a charity school, 'to educate poor European children in the Protestant religion.' They raised among themselves about £2,400, and received from the Court of Directors the somewhat cold encouragement of 'good wishes for their laudable undertaking.' At the same time Mr. Bourchier, the master Attendant, a man of great benevolence, erected a Court House and made it over to Government for judicial proceedings, on condition that the rent, £400 a year, should be paid to the new charitable

* See Marshman's *Lives of Carey, Marshman, and Ward*, Vol. i. p. 423.

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institution. In 1756, Calcutta was sacked by Surajah Dowlah, and the school was broken up, but in the next year it was restored with part of the money paid by Meer Jaffier, 'in consideration of the losses which the English Company had sustained by the capture and plunder of the town.' Moreover, as the Court House was at the same time enlarged at the expense of the inhabitants, Government agreed to double the rent. A period of neglect and jobbery seems to have succeeded, during which the School, with an income from rent and interest of £1,200 a year, only educated twenty scholars. Plassey had been fought, and the English rule in Bengal secured for thirty years, before this disastrous state of affairs was remedied; but in 1787, through the exertions of Lord Cornwallis, the good intentions of 1729 were at last carried out, and the charity school, under the new name of the Free School, was placed under a somewhat miscellaneous board of Directors and Directresses, consisting of the Governor-General, four ladies resident in Calcutta, the Chaplains, Churchwardens, and sidesmen of St. John's Church, and six other persons, (we presume of the masculine gender) elected by the subscribers. Thus in this primitive school-parliament of Calcutta, the fondest wishes of the new member for Westminster were anticipated, and ladies not only voted for its members but took their seats in the assembly.* We need not trace the various changes which have since occurred. The successive Bishops of Calcutta, from the foundation of the See in 1813, have all interested themselves in its welfare, and are its *ex-officio* Visitors. In Bishop Turner's time, St. Thomas's Church was built in connection with it, a measure not wholly successful, since the attention of the 'Rector, Secretary, and Chaplain' of the school, who ought to have been the principal teacher, was distracted between his educational duties and the care of his congregation. Under the auspices of the present Bishop this has been remedied: the parochial services, so to call them, have been handed over to a clergyman unconnected with the school, (though the Church is also used as a school-chapel, for special services adapted to a youthful congregation), while the ordinary discipline and most important part of the instruction are placed, as they ought to be, in the hands of the Headmaster. The education given is of a plain practical character, and the boys generally become signallers in the Telegraph department, assistant apothecaries,

* Since this was written we have found reason to think that the Directresses, or "Honorary Governesses," as they were called, formed a separate council from that of the Governors. If so, we fear that no precedent is furnished for Mr. Mill's projects. See Mr. Seton-Karr's selection from *Calcutta Gazettes*. Vol. II. p. 17.

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writers in Government offices and mercantile houses, overseers of plantations, or obtain employment on Railways and in printing establishments, printing being an art successfully taught in the School. On 1st January, 1865, the school contained 208 boys and 90 girls, of whom 240 were on the foundation, boarded, educated, and clothed gratuitously. From the rest a trifling payment is exacted, varying according to the circumstances of their parents.

It is obvious that this school, though an institution of the widest importance and most genuine charity, is only adapted to the poorest children; and that a higher education was needed for other classes of Indian residents. The first person who undertook to supply this want was Claude Martin, born at Lyons, in 1735, a Major General in the service of the East India Company, and afterwards of the King of Oudh. To him we owe the two important institutions at Calcutta and Lucknow, each preserving his memory by the name of *La Martinière*, and by the adoption of his suggestive motto, *Labore et Constantiâ*. For the establishment of his Calcutta school, he left 350,000 sicca rupees, for that at Lucknow his grotesque villa of Constantia, in the vaults of which he was buried, and also a sum of money now producing about Rs. 4,500 a month. He also founded a third school in his native city of Lyons, of which we need say nothing. Both his Indian institutions are flourishing, and many of our Calcutta readers are familiar with the annual ceremonies of September 13, when according to the wonderful English of his will, 'premium of a few rupees or other thing and a medal [are to] be given to the most deserving virtuous boy or girl or both to such that have come out of the School, or that are still in it, and this to be done on the same day in the month I died. That day those that are to be married are to have a sermon preached at the Church to the boys and girls of the school, afterwards a public dinner for the whole, and a toast to be drink'd in memory of the foundator.'* This singular ritual, (except the general marriage ceremony, which would seem to be scarcely practicable) is still, and we hope long will be literally observed, down to the very word 'foundator,' which we heard Lord Canning pronounce with dignified emphasis in 1859. For it is, we suppose, the only quaint custom, existing in any Indian School, like the pancake-tossing at Westminster on Shrove Tuesday, the *dulce domum* of Winchester before the holidays, and the other thousand and one oddities which distinguish the ancient seats

* Article xxiv of General Martin's will, quoted in the *Rules and Regulations of La Martiniere*, p. 7. We retain the punctuation as well as the language of the original.

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of English education. The actual 'day in the month I died' turned out to be September 13th 1800, but the delay in carrying out the testator's intentions was, even for India, almost incredible. Though he modestly declares in his will, that he is 'in hope Government or the Supreme Court will devise the best Institution for the public good, as I am little able to make any arrangement,' yet, not till 1832 did the 'decretal order' founding the school issue from the tardy judicature. By this it was entrusted to a body of Governors, consisting of the Governor-General, the Bishop of Calcutta, the Judges of the Supreme Court, (since limited to the Chief Justice, in consequence of the institution of the High Court,) the Members of Council, the Advocate-General, and four acting Governors, nominated annually by the *ex-officio* Governors. To these has since been added the Chairman of the Justices of the Peace for the City of Calcutta. Practically the four acting Governors and one *ex-officio* Governor form the managing Committee of the School. The organization of the Lucknow Martinière is less elaborate; the sole trustee of the property is the Secretary to the Government of India in the Home Department for the time being, and the School is managed by a small local Committee. The two institutions also differ in the fact that the Calcutta Martinière has a school for girls, for which that at Lucknow substitutes a small native department, an arrangement which might now, we think, be advantageously altered, since native education in the city of Lucknow is provided for by the Canning College and Church Missionary School. The studies of the two institutions are much the same; Latin as far as Virgil and Horace, and Mathematics up to Trigonometry, with the usual accessories of Scripture, History, and Geography, form the staple of both systems. Neither school seems to attempt Greek, but Urdu is taught at Lucknow, and Bengali at Calcutta. Moreover the Calcutta school educates 201 boys and 121 girls, (141 being on the foundation); while that at Lucknow has 202 boys, of whom seventy-six are foundationers. This is exclusive of the native department.

But though Claude Martin's beneficence dates from 1800, yet two other schools for Europeans had arisen in Calcutta before his intentions could be carried out. On 1st March, 1823, a number of 'parents, guardians, and friends of education' assembled at the house of Mr. J. W. Rickett, in South Colingah Street, Calcutta, and agreed to establish a 'Parental Academic Institution,' for 'Christians of every denomination without distinction of country or sex,' though it seems that in practice Roman Catholics are almost excluded, having generally no wish

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to enter any Protestant Seminary. This School was conducted with varying success, and often under great pecuniary difficulties, till another General Martin arose in the person of 'John Doveton, late a Captain in the Nizam's service of Hyderabad,' a Baptist, we believe, in his religious creed, who by his will, dated March 13th 1844, divided his fortune between the cities of Calcutta and Madras for educational purposes, leaving the Calcutta moiety to the Parental Academy, and directing the foundation of a similar School at Madras. The share of Calcutta amounted to a little more than Rs. 230 000. Since the school received this munificent bequest, its success has been uninterrupted. Many difficulties were removed, and many benefits accrued. Among the latter not the least was the change of name. The affected title 'Parental Academy' was burnt up in the fire from which the phœnix rose into renewed life as the Doveton College. We cannot think with Juliet that there is nothing in a name. Such appellations as 'Parental Academy' and 'Young Ladies' Institution' tend to foster the faults of vanity and puffing. We do not want to train girls to be "young ladies," but useful Christian women, and while it is most important for a master to be parental in his care of his pupils, he need not proclaim this in the name of his school, any more than he should call it the 'Virtuous Academy' or 'Pious Academy,' however much he may try to foster piety and virtue. Nor should we substitute *sesquipedalia verba* like Institution or Academy, for the disyllabic 'College,' and the good old downright 'School.' To the name 'College' however, the Doveton has an undeniable right, for in 1855 a collegiate branch, in connection with the University of Calcutta, was engrafted on the existing school. Under its new constitution it has become the largest school for Christian boys in Calcutta, for the number attending its classes, during 1864, was 380. It educates no girls. Its curriculum is mainly regulated by university requirements, and its success is doubtless due not only to the Doveton legacy, but to the excellent management and teaching of its late and present Principals, Mr. George Smith and Mr. McCrindle. For some years too, it was aided by the wisdom and earnestness of Dr. Duff, who held the office of Patron, to which under the more appropriate title of *Visitor*, the Committee have now elected the Bishop of Calcutta.

The other institution, established between General Martin's death and the foundation of the Martinière, exemplifies the transmigration, not of souls, but of schools, for it is now struggling into its third stage of existence as St. Paul's School, Darjeeling. In 1830, Archdeacon Corrie, afterwards Bishop of

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Madras, set up by general subscription the 'Calcutta High School' for a class of boys above those educated at the Free School. The boarding establishment was placed, oddly enough, under a clerk in the treasury and his wife, while the education was entrusted to Mr. James Graves, an excellent man, who was afterwards ordained in his old age, and died recently at Chinsurah, where he was a Professor in the Government College and Minister of the English Church. This strange separation of the institution into two parts seems to have been one cause of its want of complete success. In 1846 it was broken up, and its fragments removed into Chowringhee and christened St. Paul's School, so as to bring it into connection with the new Cathedral then just completed.* For a long time it was very flourishing in its new position, under some excellent Masters, among whom was Mr. Slater, now happily restored to the Diocese as Headmaster of the Bishop's School at Simla. But its unendowed simplicity could not stand against the wealth which furnished so many advantages and appliances to the Doveton and the Martinière; and, in fact, Calcutta does not require three schools for exactly the same class of boys. So it was recently determined to establish, in connection with St. James's Church, a new institution of a humbler kind called the Calcutta Boys' School, for the children of parents with incomes not exceeding Rs. 200 a month, and to remove St. Paul's to Darjeeling, as a link in the new chain of public schools to be founded in the Himalayas. A beautiful property has been bought for this purpose, new buildings are in progress, and meantime the school carried on in two small bungalows belonging to the estate, is forced, for lack of room, to confine itself to thirty-one boarders and a few day boys. But we fear that, however well placed and ably conducted, the school will never be completely successful, till a railway is completed to the foot of the Darjeeling hills. The Calcutta Boys' School, opened a year ago, has already seventy-nine scholars, of whom ten are foundationers, receiving their education for the very moderate sum of four annas a month.

Such an apparatus of schools would by this time have been wholly insufficient for the wants of the Christian residents

* There is a slight inaccuracy in the Bishop's 'Address to the Clergy and Laity of his Diocese' on the subject of this school. He says that it was founded 'chiefly through the munificence of Bishop Wilson.' This is not quite correct: Bishop Wilson had nothing to do with its foundation, but he afterwards presented it with Rs. 10,000, to enable a certain number of boys nominated by himself and his successors, to be always educated in it on reduced terms.

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in this vast Presidency, even had they been dispersed over the country; much more is its imperfection manifest, when they are almost wholly concentrated in Calcutta. We do not indeed echo the extravagant utterances of the *Times*, the *Saturday Review*, and the Competition-Wallah, about the climate of this much abused city, though we cannot think it uniformly a pleasant or healthy one, and in any case the damp heat of Lower Bengal can hardly be favourable to the physical development of an English or semi-English boy. Yet the thought of education in the Hills seems to have struck no one till about the year 1855, when a private school was opened at Mussoorie by Mr. Mackinnon. From this arose the well-known and deservedly popular school of the Rev. R. N. Maddock, who now, after sixteen years of labour, desires to resign his onerous duties, and to see his school purchased by the public, as a permanent Institution of the Diocese. There is an interesting circumstance connected with its early history, which is worth recording. In 1849, Mr. Maddock's brother, then Chaplain of Mussoorie, was desirous to keep a few boys together, as a nucleus for the school which was to succeed Mr. Mackinnon's. It happened that the lamented William Arnold, then an officer in the Bengal army, afterwards Director of Public Instruction in the Punjab, was at Mussoorie on leave, and finding that these boys wanted instruction, gave up some hours of his time every day to teach them, besides taking a general interest in them, and making them the companions of his mountain rambles. We have heard that he was much abused for this by his brother officers, as a 'pedagogue' who forgot the dignity of the service, but perhaps they view matters now in a truer light; and, certainly among the many recollections of his short and unquiet life, this sign that he inherited the warm and tender interest in the young, the poor, and the neglected, which was the most marked trait in his illustrious father's character, is not the least acceptable to his friends. Mr. Maddock's school soon rose to eminence, 'owing to the extraordinary diligence and self forgetting zeal with which he devoted himself to its superintendence,'* and the average number of its scholars has been about 100, generally of a somewhat richer class than those who attend the schools above enumerated, as the fees required to cover the expense of a purely private education were necessarily higher.

Mr. Maddock's success, however, suggested to others that the great benefit of education in the Hills might be extended to a

* Bishop of Calcutta's Address of 1864, p. 5.

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poorer class of children by the foundation and endowment of public schools. Just before the mutiny some of the Chaplains, one of whom, Mr. Jennings of Delhi, was among its earliest and most deservedly regretted victims, were planning such a scheme, but of course it was swept away by that mighty hurricane. For a time a 'proprietary school' was thought of, but happily the knowledge of the quarrels and distracted government for which many schools of that kind in England have been conspicuous, served as a warning against their introduction into India. The Chaplains who had co-operated with Mr. Jennings wrote on the subject to the present Bishop of Calcutta, then in England awaiting his consecration, and as soon as he arrived in India and was settled in his Diocese, he gave it his best attention. Ever since, at short intervals, he has brought forward schemes for the establishment of schools both in the hills and plains. The successive steps have been as follows. In 1859, on the day of thanksgiving for the restoration of peace to India, a general collection for founding a 'Memorial School' was made in all the Churches of the Diocese, the congregation who were then assembled at the Cathedral contributing upwards of 15,000 Rupees, after a sermon from the Bishop on '*Overcome evil with good*,' which has been adopted as the motto of the school at Simla, established as the result of that collection. On October 29, 1860, Lord Canning wrote a minute, the charter of Anglo-Indian education, founded on a paper submitted to him by the Bishop, and promised that all sums privately contributed for the purpose should be doubled by the State. In March 1863 the Memorial School was opened in three bungalows at Jutog near Simla, under the name (conferred on it by the public) of 'Bishop's School,' and under the able management of Mr. Slater has become so popular, that not only are its present bungalows quite full, to the extent of seventy-two boys, but all vacancies are promised till the end of 1867. We hope, however, that the difficulty of gaining admission to it will be removed by its speedy migration to new and appropriate buildings in Simla itself. On June 26th, of the same year, the Diocesan Board of Education met for the first time in the Bishop's Library at Calcutta; and it has already materially aided in founding schools at Allahabad, Lahore, Rangoon, Moulmein, and Howrah, besides the Calcutta Boys' School, already noticed, and one for girls established at Mussoorie through the exertions of Archdeacon Pratt. The income of the Board for 1864, independent of the interest of an endowment fund of Rs. 20,000, was Rs. 19,370, and we are quite sure that twice this sum might be usefully spent by it every year. Finally, to bring down the story to the present

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time, the Bishop has lately issued a new address to the Clergy and Laity of his Diocese, proposing that by vigorous efforts during the next three years, Mr. Maddock's school at Mussoorie should be purchased as a public Institution, and endowments provided for Bishop's School, Simla, and St. Paul's, Darjeeling. The scheme is a large one, but surely the wealth and liberality of the English who are interested in India, doubled as their offerings will be by the State, are sufficient to carry it out.

A few words may here be interposed on an important subject. As these schools are designed exclusively for Christians, they are of course distinctly Christian, and one reason why they should be founded by private efforts aided from the public revenue, rather than directly by Government, is that there may be no interference with their religious character. The Doveton College is chiefly influenced by the Free Kirk of Scotland, but since the Bishop of Calcutta was elected Visitor, he has, with the full consent of the Committee and the Principal, appointed a Chaplain to give religious instruction to members of the Church of England, and to prepare them for confirmation. The Calcutta Martinière is practically in the hands of the established Churches of England and Scotland. Originally it was intended to be more comprehensive, and one of the most singular episodes in its history is the union of Bishop Wilson, Dr. St. Leger (Vicar Apostolic of Bengal), and Dr. Charles, (the senior Presbyterian Chaplain), to draw up a Catechism and Liturgy for the use of all Christians there educated. Though the scheme was a failure, yet the documents agreed upon reflect the highest honour both on the faith and charity of their framers*, and are at once so comprehensive, and yet so sound in doctrine, that in spite of the encyclical of Pius IX, and the fulminations of Moderator Begg, their perusal may furnish a ground of hope for the future union of Christendom, not in a latitudinarian omnium-gatherum, but in an orthodox communion founded on the maxim *in necessariis unitas, in dubiis libertas, in omnibus caritas.* However, such an attempt at union was then, and still would be, premature: the Pope recalled Dr. St Leger from his Vicariate for agreeing to it, the Roman Catholic boys in the Martinière are now exceedingly few, and the end has been that, while all the scholars are united for scriptural teaching, those of the English and Scotch Churches are assembled separately for instruction in their respective Catechisms. In the Lucknow Martinière, Bible lessons are given,

* They will be found in the *Rules and Regulations of La Martinière* p. 64 ff.

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but 'points of controversy are avoided.'* The other schools above enumerated are all in direct connection with the Church of England, having been founded by the activity of its members. But we believe that in all the 16th Rule of the Diocesan Board is adopted, enacting that 'there shall be daily prayers and scriptural instruction, which all the scholars shall attend, and regular instruction shall also be given in the Catechism and Prayer-book, but any child shall be excused from learning the distinctive formularies of the Church of England, on a written application from his parents or guardians.' Now this is very like the 'Conscience Clause' of that much abused body, the Committee of the Privy Council, which has been the subject of such fierce discussions at home. The arguments however, which its opponents urge against it in England, do not apply to India. Doubtless in an ideal state of the Christian Church, we should have no need of conscience clauses, because we should have no sects. But taking things as they are, we hold the principle to be the best solution of the difficulties which follow from our 'unhappy divisions,' as recognizing the undeniable fact of their existence, while it vindicates the common Christianity which, as we trust, underlies them. We would put no check on the master's freedom of utterance, or require him in his ordinary lessons to fritter away definite religious teaching into vague generalities, to which no man of earnest convictions would submit; we only wish him to abstain from imparting Christian truth in all cases through the medium of formularies which, however excellent, are inapplicable to the children of some denominations. The Dissenters obtain from this principle a recognition of the rights of conscience, and also (to quote the words of Archdeacon Sandford) 'of their responsibility as Christian parents, and their claim to the obedience of their sons and daughters.'* To the Church of England it secures the undisturbed training of its own children, and almost the entire training of other Christian children also, who, being thus brought into contact with its members, and learning to appreciate its system, will be freed from the prejudices and misconceptions which alienate many good Christians from it, and will be inclined in after years to regard with friendly and grateful feelings a Church from which they have derived the inestimable benefits of early kindness, and instruction, and training in all that is good.

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* Prospectus of the Lucknow Martiniere.

† Speech in the Convocation of the Province of Canterbury, May 23, 1865.

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But it is time to turn to the more difficult part of our subject, the use which should be made of these schools, actual or potential, and the character to be given to the education of Anglo-Indians. And here we put one further limit on our article: we shall treat mainly of the instruction to be imparted in schools like the Doveton, or the new Hill schools, rather than in those intended for a poorer class of boys, like the Free School. For this latter class of schools a very sensible scheme of studies will be found in the second Report of the Diocesan Board,* which, though drawn up expressly for the High School at Allahabad, is applicable to all similar institutions. Now it seems something of a platitude to say that the education given to Anglo-Indian boys of the middle class must be practical, so as to fit them for the occupations which are most likely to be open to them in this country. But on the other hand, in these days of Civil Service Institutes, and other odious abodes of cram, it is anything but a platitude to remind teachers that they have higher objects before them than to gain for their scholars good places at Roorkee, or to pass them through the Entrance Examination of the Calcutta University, and to turn out a long list of Deputy Collectors, Executive Engineers, or even covenanted Civilians. Their aim must be to send forth intelligent, cultivated, and religious men, or, in the words of one of the publications which stand at the head of this article, "to make them, according to Bishop Ken's suggestive phrase, 'profitable members of the Church and Commonwealth,' faithful Christians and useful citizens, fitted to bear their part manfully in the work of this life, and looking forward, with earnest and well-grounded hope, to the life which is to come."† Nor is it consistent with the dignity of public institutions, such as our Indian schools are meant to be, to deviate from a course deliberately chosen, in order to fit their scholars for various local examinations, devised with an exclusive view to some particular object. Besides, after all, the man who has received the best general training is sure to be the most useful in the long run, a truth at last beginning to be recognised by those who control the Civil Service Examination in England, and likely, we trust to suggest salutary alterations in that incentive to the temporary acquisition of ill-digested learning.‡ We hope that the public trainers of boys in India will never (to use the words of a Headmaster

* p. 5.

† Bishop of Calcutta's Address, 1864, p. 6.

‡ While these sheets are going through the press, we are happy to see that essential improvements have been made in the scheme of Examinations for the Indian Civil Service.

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quoted in Parliament) permit their pupils to 'give up all idea of education in a good sense, and try for two or three years to cram as large a field of subjects as possible,' nor condescend to any system in which 'high marks may be got by candidates, who have never read any history except a half-crown abridgment.'* They must have too much self-respect, and too strong a sense of duty, to teach in this way. At the same time a mere abstract scheme of education, devised without reference to the circumstances of the persons educated, is an absurdity, and therefore in what we are going to say, we shall not forget that the scene is India, the actors the middle class of its European and Eurasian inhabitants, and the probable finale of the drama, a clerkship, an Assistant Commissionership, or admission to the Roorkee College.

We do not wish to waste time by proving the truth, now generally admitted, that the foundations of any sound education must be language and mathematics, and that the former study should be chiefly carried on by the instrumentality of a dead language, 'handed down to us from the period of its highest perfection, comparatively untouched by the inevitable process of degeneration and decay.'† We would only remark that in Anglo-Indian schools a greater comparative weight must be assigned to mathematics, than the Commissioners would give to that study in the public schools of England. Some reasons for which they retain the predominance of classics do not apply to India. The Greek and Latin languages do not here possess that 'recognized and traditional importance and long possession,' which, as they justly observe, are 'advantages so great, that they would hesitate to advise the dethronement of the study, even if they were prepared to recommend a successor.' The boys who attend even the highest of our schools have not the same expectations and opportunities as the students in those great institutions which come under the survey of the Commissioners. There are, alas! no Oxford and Cambridge in India to be homes of classical learning. Here too a boy's attention must be directed to other languages, which could not be pursued with sufficient vigour if Greek and Latin were enthroned in that pre-eminent position, which they occupy at home. We agree indeed with

* See the speech of Mr. A. Mills, in the House of Commons, May 16, 1865.

† Report of the Public School Commission, p. 28. Henceforth we shall refer to these four volumes as *Report*, *Appendix*, *Evidence*, *Part* 1, *and Evidence Part* 2.

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Mr. Gladstone* that, as our modern European civilization is the compound of two great factors, the Christian religion for the spirit of man, and the Greek, and in a secondary degree the Roman, discipline, for his mind and intellect, we have a right to say that the materials of what we call classical training were advisedly and providentially prepared, in order that it might become the complement of Christianity in its application to the culture of the human being, as a being formed both for this world and for the world to come. We agree too with other statements pointing in the same direction, which we shall cite presently. At the same time Mr. Gladstone himself fully admits that the 'necessities of specific training must more or less limit general culture,' and that the principles just stated only apply in full, to 'that small proportion of the youth of any country who are to become, in the fullest sense, 'educated men.' We may compare with this the opinion of Sir William Hamilton, that 'whilst the study of ancient literature, if properly directed, is absolutely the best means towards a harmonious development of the faculties, the one end of all liberal education, yet this means is not always relatively the best, when circumstances do not allow of its full and adequate application.'† And thus, we are prepared to admit Mathematics to a large share in the 'development of the faculties' of our Indian boys, not only from the intrinsic value of the study, but because it has a direct bearing on the duties to which they will probably be called. It is not, however, desirable that the mass of them should be carried very far in this pursuit. Mr. Maine, in the remarkable address which he delivered as Vicechancellor of the Calcutta University, at its Convocation, in 1865, said very truly, that 'except for the mighty aid they lend to physical science, and except for their value in training the faculty of attention, exercises in pure Mathematics are as profitless as writing Latin or Sanskrit verses, and without the same beneficial effects on the taste.'‡ No doubt means should be taken to encourage any boy, who shows a decided talent either for pure mathematics or their applications, to make as much progress in the study as is consistent with other claims on his time and attention, and we must never forget that Mr. Woodrow, when Principal of the Calcutta Martinière, had the honour of providing Cambridge with a second Wrangler, and his old College of Caius with a Fellow and Tutor. But as to the degree in which Mathematics should enter as an element into the *necessary* curriculum of our

* Appendix, p. 42.
† *Discussions on Philosopy*, p. 329, (quoted in the Report.)
‡ Vice chancellor's Address, p. 11.

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Schools, two important papers were furnished to the Commissioners. The first, by Dr. Whewell, chiefly consists of extracts from his work, *On a liberal Education*, with which we have long been familiar, and the other is by Sir John Herschel. We can hardly desire two better guides in determining the question. Dr. Whewell tells us that a thorough practical familiarity with arithmetic is essential, for not only is this a good discipline of attention, clearness of head, and ingenuity, but unless it is learnt at school, it is never learnt at all. Next to arithmetic, the study most rigidly insisted on should be Geometry, to the extent of six books of Euclid. When these two foundations are securely laid, a superstructure should be raised upon them, consisting of Algebra, and Plane and Spherical Trigonometry. Sir John Herschel would go farther than this, and include Statics and Dynamics in the list of necessary studies, but considering the practical wants of India, we prefer Dr. Whewell's recommendation of 'Mensuration, that is, practical as distinguished from speculative Geometry, and the use of Logarithms as an art of great value in abridging arithmetical operations.' Mensuration will include actual surveying, carried on amidst the fresh breezes of the Himalayas, or the cool morning air of the plains.

Though we have been led to discuss in the first place the mathematical part of Anglo-Indian education, we do not wish that more time should be given to it than to literary culture. Mathematics, besides their practical utility, are an admirable discipline for precision of thought, as furnishing a perfect example of strict logic. But they have little effect in refining or humanizing the student. On the value of literature, in this respect, Dr. Temple's evidence before the Commission is so admirable, that we heartily wish that we had time and space to transcribe it all, or at least that it could be extracted from its blue-book prison, and circulated through the length and breadth of India, as an antidote to the utilitarian tendencies of English Colonists. A few sentences must be quoted:—

'That study,' he says, 'is the chief instrument of education, which makes a man in the fullest sense a Christian gentleman.' Taking this word in its highest and best meaning, it certainly represents the aim of the highest education ..... and so far as the study selected can influence the result (and it would be absurd to deny that its influence must be great), that study will do most, which most familiarizes a boy's mind with noble thoughts, with beautiful images, with the deeds and the words which great men have done and said, and all others have admired and loved.*

* Appendix, p. 312.

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And when afterwards Mr. Halford Vaughan exprest his doubts whether physical science does not produce a higher degree of awe and admiration towards the Creator, and therefore of worship,* than literary studies, Dr. Temple replied :—

'The study of literature appears to me to cover almost all that physical science could cover, and very much more besides. There is hardly anything you will find in physical science, which you will not find in different departments of literature. There is no sense of awe, or love of beauty, which you will not find more powerfully brought out from the study of poetry, than from the study of any science, because in the study of physical science there is always the drawback that in order to indulge in those emotions, which the science is certainly able to excite, you are obliged for the time to quit the science, and give yourself up to something with which the science has nothing to do. It is not the science which, as a general rule, cultivates the love of order and beauty, so much as the objects to which that science is applied.†'

Once more, on the use of classical as distinguished from modern literature, the following remarks of Mr. J. S. Mill deserve attention :—

'The classic life contains precisely the true corrective for the chief defects of modern life. The classic writers exhibit precisely that order of virtues in which we are apt to be deficient. They altogether show human nature on a grander scale, with less benevolence, but more patriotism, less sentiment, but more self control; if a lower average of virtue, more striking individual examples of it; fewer small goodnesses, but more greatness and appreciation of greatness; more which tends to exalt the imagination, and inspire high conceptions of the capabilities of human nature. *If, as every one admits, the want of affinity of these studies to the modern mind is gradually lowering them in public estimation, this is but a confirmation of the need of them, and renders it more incumbent on those who have the power, to do their utmost to aid in preventing their decline.*' †

These testimonies are the more valuable, because Dr. Temple's Oxford distinctions were as great in science as in literature, and Mr. Mill's name is identified in some minds with pure utilitarianism. If to these we add the earnest wish of Goethe, that 'the study of Greek and Roman literature may always

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* Evidence part 2, p. 271.

† Quoted by Dr. Temple, Appendix, p. 312.

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remain the basis of our higher education,'* remembering at the same time 'the large range of his literary knowledge, and his ardent attachment to science,' we shall have cited some of the most important evidence which the Commissioners have collected, as to the value of an acquaintance with the learning and history of antiquity; and we cannot too often insist upon the fact, that such arguments apply with especial force to that class of society, from which the pupils of our schools will be taken. But many witnesses to the same effect remain behind: the Astronomer Royal, Professor Max Müller, Professor Malden, Dr. Moberly, Professor Pillans, Mr. Austin, even the French and Prussian Ministers of Public Instruction, all testify either by evidence furnished to the Commissioners, or by extracts taken from their works, to the correctness of the conclusion that 'the possession of some knowledge of ancient literature, as daily experience proves, and as those who have it not most readily acknowledge, is very far from being a mere literary advantage.' Still, as we have more than once admitted, many boys need something more than the cultivation of their faculties; the necessities of life require them to be furnished with knowledge which can be immediately applied to the business of life. And if we are to observe the golden rule, *non multa sed multum*, which bids us not to teach many things, but thoroughly what we profess to teach, we can hardly resist the conclusion that one of the classical languages must be omitted in India from our necessary studies. But, when we go on to decide that the one retained must be Latin, we may seem to forget the remark of Mr. Gladstone, with which we have stated our agreement, that the Greeks furnished the primary, the Romans only the secondary, discipline, for the intellect of modern times. We may reply, that a secondary cause is nearer to its effect than the primary; and the fact that European civilization was immediately and not remotely derived from Rome, is a reason, if we must choose between the two languages, for selecting Latin as our educational instrument. No doubt Greek literature, and above all Greek philosophy, is richer, nobler, and more original than Latin. Yet as a language Latin provides in some respects a better mental discipline than Greek. It is at least as capable of adaptation to various subjects, and at the same time it is simpler in its forms, and more exact and uniform in its constructions. Next to Mathematics, there is no better logical exercise

* Möge das Studium der griechischen and römischen Literatur immerfort die Basis der höhern Bildung bleiben. Goethe, Vol. 49. (18mo, 1833) p. 123. There is a longer passage to the same effect in p. 111. Report, p. 29.

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than the composition of Latin prose. Perhaps Cicero's evidence on this point may be regarded with suspicion. 'Ita sentio, Latinam linguam non modo non inopem, ut vulgo putant, sed locupletiorem etiam esse quam Graecam. Quando enim nobis, vel dicam aut oratoribus bonis, aut poetis, postea quidem quam fuit quod imitarentur, ullus orationis vel copiosæ vel elegantis ornatus defuit?' * Yet this opinion has been approved and amplified by Mr. Merivale, who at least had the power of choosing in which of the two studies he would attain his chief eminence:

'The subjects to which the Latin language was actually applied, within the classical period, are limited in number and character; and accordingly classical authority is wanting for forms and phrases, invented in later times to meet the expansion of the human intellect: but, with due allowance for such necessary modifications, it may be said of Latin, that no vehicle of thought has in fact been more widely or variously employed. Latin has been, and still often is, adopted, as the means of communication on themes of moral and natural science, of philosophy and religion, of mathematics and poetry, of law, history, and oratory. All these subjects and others may still be treated, and still are sometimes treated, in that comprehensive dialect, which was spoken by Cicero and Tacitus, which has never ceased to be read and written for 2,000 years. It combines precision with terseness, strength with grace, expressiveness with fluency, beyond, as I believe, any other language; and it was upon these qualities accordingly that the minds of the Romans were fixed, and to the attainment of these their efforts were directed. They became, almost without exception, as far as their remains allow us to judge, the most accurate speakers and writers in the world. No ingenuity can reduce to the logic of syntax all the eccentricities of Aeschylus and Thucydides among the Greeks, while of the best of our own classics there are few perhaps that do not abound in grammatical solecisms. But the closest criticism can hardly detect a flaw in the idioms of Cicero or Livy, Virgil or Horace, and the most careless of the Latin poets can rarely be convicted of an error in construction.'†

We could hardly have a more powerful defence of Latin, or a stronger array of reasons for making it a chief instrument of our education. When in addition to this we remember that it has furnished a large proportion of words to the English language, that some of our greatest writers cannot be fully

* Cicero *de Finibus*, i. 3.
† Merivale, *History of the Romans under the Empire*, Vol. vii. p. 325

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appreciated by persons altogether ignorant of it, that the poetry and philosophy of the Romans to a considerable extent, and still more their history and law, furnish a key to the corresponding branches of learning among ourselves, and that from it have directly sprung the languages of France, Italy, and Spain; we cannot refuse to select it, however reluctantly, in preference to Greek, for the study to be placed by the side of mathematics, as the main discipline for training the intellect of Anglo-Indian boys. And as Frederic II. is now held up to our admiration as the greatest of heroes, it may be worth while to repeat one of his sayings: 'Whatever you do, do not let a boy grow up without knowing Latin.' Only we hope that it will be taught well, and that a sound knowledge of it will be imparted by sound scholars from sound books. We regard this point with some anxiety, for the miserably meagre list of Latin school books, appended to the second Report of the Diocesan Board, consists chiefly of such horrors as Anthon's Sallust, the Hamiltonian Cæsar, and the Eton Grammar. For the last, Dr. Kennedy's excellent little work, already used, as we learn from the Public Schools' Report, at Rugby, Shrewsbury, Marlborough, and Wellington College, should be substituted at once. And Anthon's abominations are no better than what English schoolboys call '*cribs*.'

Having thus proposed that our education should be chiefly carried on by Mathematics and Latin, we must next determine what subsidiary studies are necessary to fulfil the practical wants of Anglo-Indian life, and enable our scholars to take their proper place in society as intelligent and educated men. And here we must consider not only the duties to which they will be called, but the tastes, feelings, and principles which we desire to develop in them. The three chief objects to which their affections and sympathies should be directed, besides their own homes, and families, and parents, which we hope that they will love apart from schooltraining, are India, England, and the Gospel of our Lord Jesus Christ. They should be accustomed to love, and care for the country in which they are to live, certainly for the present, and probably always; for the country to which they owe all their advantages, and from which they trace their noblest recollections, and for the faith in which, through God's merciful Providence, happier herein than those around them, they have been baptized. First then they must be instructed in the language and history of India, and in the language and history of England. By the language of India we of course mean Urdu, for though this is a modern, composite, and, so to speak, artificially formed tongue, yet if India has any *lingua franca*, Urdu has the only claim to that title. Though

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doubtless there are vast tracts of the country where it is almost unknown, just as there are parts of Wales, Scotland, and Ireland where English is unintelligible, yet there are few districts in which it is not of some use, for we ourselves were once helped by it when in need of information or guidance hard by Cape Comorin. Moreover there is an advantage in the double or rather multiform origin of its dictionary: a student of Urdu learns something of the general appearance of Arabic, Persian, and Sanskrit words, nor can it be denied that, in spite of its hybrid character, it has inherited from these languages much beauty and refinement. Professor Max Müller, when examined before the Commission, remarked that simple lessons in comparative philology may be given by bringing a boy's Latin knowledge to bear on his study of French;* and the principle should not be lost sight of by a sensible teacher of Urdu, for its Semitic element may be often illustrated by the proper names of the Bible, its Aryan by Latin and English words. Whether in some particular places this language should be superseded by other vernaculars, in Bengal proper by Bengali, in parts of the Central Provinces by Marathi, in Burmah by Burmese, in the Straits of Malacca by Chinese or Malay, is a question of detail to be decided by the authorities of every individual school. Only whatever vernacular is learnt must be taught grammatically and scientifically, under the frequent supervision of the Headmaster, so that the Munshi or Pandit who is employed in this business, may not degenerate, like the unfortunate gentleman who tries to teach French at Eton, into 'a pleasure which may be dispensed with, a mere *objet de luxe*.'†

The study of English in an English school is beset by peculiar difficulties. The whole subject is too near a boy as it were, it seems too easy, a lesson requires too little preparation, to make it as profitable a discipline as the study of a foreign language. Nor can we help feeling, that it sometimes degenerates into the 'conceit of knowledge without the reality,' when we hear of questions, in the Civil Service examination papers, which can be answered by learning a useless muster-roll of names and figures. A positive injury is done to a student, when he is encouraged to prepare for such a task as this: 'Name the authors of the following works, and arrange them in order according to the date of their death: Religio Medici, Utopia, the Battle of the Books, the Thistle and the Rose, Rasselas, the Davideis, the Essays of Elia, Madoc, Rejected Addresses, and the plays of

* Evidence, Part 2, p. 497.
† Evidence, Part 1, p. 241.

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Don Sebastian, Cato, Revenge, the Rehearsal.'* For he who gets full marks for such a question may not have read a single line of the works named, while some never are read except by antiquarians and book-worms. Such study of English is the merest waste of time. Moreover every translation lesson from Latin is in fact a lesson in English, if the master takes due notice of the English words and sentences by which the Latin is rendered, and if, like Dr. Kennedy, † he is 'very fond of dwelling upon English Etymology,' a similar use may be made, to some extent, of the scriptural and historical lessons. If there is a good school library, and the Headmaster encourages his boys to use it, a large amount of English knowledge may be obtained through their private reading. Mr. Coleridge, the most famous of Eton assistants, testifies that in his school days, 'any average boy of ordinary taste, on leaving school, had read much of the English poets, and a great deal of English history, as well as other literature; that the boys used greedily to devour every poem of Scott, Byron, and Southey as fast as they came out, and that there was a perfect rush to get the first copies of the *Corsair*.'‡ Still for Indian boys one or two weekly lessons in English are necessary. Something should be done to abolish that most disagreeable twang, which is so frequently contracted and so rarely lost by children in this country. Care should be taken about English composition and orthography; a considerable quantity of the best English poetry should be learnt by heart, not only as a lesson in the language, but as an exercise of the memory, a discipline of the taste, and an opportunity for correcting the pronunciation. The lower classes of a school should be well practised in dictation, and the higher should read some English grammar scientifically written, and some easy book on the origin and philology of the language.

We have already said that the histories of England and India must form part of the course. We are disposed to lay considerable stress on the history of the latter country, from the earliest times to which our imperfect information extends, as well as on its history after the British occupation. Residents in India should be enabled to take an intelligent interest in its great cities and magnificent antiquities, in its Buddhist caves and Hindu temples, in Agra, Delhi, Benares, Juanpore, and Amritsir. They should be saved from the folly of aping the contemptible talk in which some young Englishmen

* House of Commons Debate, May 15, 1865.
† Evidence, part 2, p. 380.
‡ Evidence, part 1, p. 123

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indulge about 'this disgusting country,' from the ridiculous pretence of preferring £100 a year 'at home,' to £1,000 a year here, and from travelling from Dan to Beersheba with the remark that all is barren. They should be taught that India has a great past, and that it is worth a man's best efforts to try, in whatever sphere he is placed, to do something towards giving her a greater future. On the other hand, those who have studied the reigns of Aurungzib and his successors will hardly adopt the opposite creed, prevalent among some of our modern theorists, that we have no business in India, and that the sooner we hand it over to the so-called government of some native prince or princes, the better for the Hindus and for ourselves. To the histories of England and India must clearly be added that of Rome, as the introduction to all modern history, and as a necessary companion to the study of the Latin language. We find it less easy to give a decided opinion as to the history of Greece. If a knowledge of Greek literature is not to be acquired, a great part of the history of the Greek nation loses its chief value. Yet on the other hand, the influence of Greece on modern civilization has been so great, that the education of a young man who enjoys a share in that civilization is scarcely complete without a knowledge of its history. The two periods to be studied are of course that of the Persian wars, when Greece rolled back the advancing torrent of Asiatic despotism, and the conquests of Alexander, when that despotism was itself attacked and overthrown. For while the internal history of the Greeks almost ceases with his subjugation of Asia, it is from this very point that the history of their influence on the world begins, and that we first learn how important a part the little corner of Europe which gave birth to art and science, to politics and philosophy, and helped to nurture the infancy of Christ's Holy Catholic Church, has actually played in human affairs.* Nor can any one who has seen the Kashmirian temples at Marttund and Aventipura, or the coins, inscribed with Greek and Sanskrit legends, which have been dug up in the Punjab, or some of the sculptures on the topes of Bhilsa, doubt that the influence of this 'little corner' has extended even to India. Thus, without some acquaintance with the great crisis of Alexander's conquests, not only many parts of the annals of Rome, but of modern Europe and India, are obscure, and the historical bearings of the New Testament itself cannot be properly appreciated. But the intervening struggles between the republics, Athens, Sparta,

* See Merivale, *Romans under the Empire*, Additional Preface p. xi.

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Thebes, Corinth, and the rest, however interesting as part of the picture of national and intellectual life, have little to do with general history, and may well be omitted or rapidly surveyed. If they are read at all, the most interesting and picturesque way in which a knowledge of them can be acquired is through a translation of Plutarch's Lives, which also will help to enliven the dry and wearisome manuals in which the outlines of Roman history are epitomized for school purposes. It has also been justly observed, that 'there is no work perhaps of antiquity that Christian parents can put so securely in the hands of their children as Plutarch; and that the Christian statesman may draw lessons from it in wisdom, and the Christian moralist in virtue.' * We need only add to our suggestions on the subject of History the obvious remark that no history can be intelligently read without Geography, and that, therefore, in assigning to the former a place in our curriculum, we are in fact also giving one to the latter.

We have reserved for Divinity the last place in our catalogue of necessary studies, partly because it is the one which should diffuse life through all the rest, partly because the mere instruction given in school forms but a small portion, though an essential portion, of a religious education. And here we would above all things entreat our schoolmasters to awaken in their pupils, as they undoubtedly may, an intelligent interest in Holy Scripture. They must, of course, in the first place be taught to receive it as the record of God's Revelation, the unveiling of His providential government, the source of spiritual strength and hope, the conclusive authority in all questions of religious doctrine and moral duty. But besides this, they should gradually be led to see that the series of books which compose the Bible are, from a merely human point of view, of the highest interest, that the physical geography of Palestine is among the most remarkable of all geographies, the history of the Jews among the most varied and exciting of all histories, the lives of Abraham, Jacob, Saul, David, and St. Paul, the most instructive of all biographies, the lyrical outpourings of the Psalms and Isaiah unsurpassed by any similar poetry; while at the same time, as they are thus accustomed to contemplate each sublime thought and stirring incident, they should never be suffered to forget the prevailing presence of Divine inspiration. The Parables of our Lord, the Sermon on the Mount, the most beautiful of the Psalms, the most instructive passages of the Epistles, and other short portions of Scripture, such as are

* Merivale, Vol. vii. p. 457.

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chosen for the gospels and epistles in our prayer-book, should be carefully learnt by heart. It is often said, that youth is the proper time for learning languages, but we are also sure that it is the season for acquiring a living interest in the Bible, and to this great object other theological studies, such as are enumerated in the tables of work furnished by the different schools to the Commissioners, Paley's Evidences, Butler's Analogy, Davison on Prophecy, and the like, may well be postponed, as equally well or better read in after life. The great object is to teach boys to realize the Bible, to believe that it concerns themselves, that it contains the divine interpretation of the world's history, and that we, in this age, are to apply its precepts and examples to the guidance of our lives. Happily, the increasing number of books written in illustration of it, Dr. Smith's *Dictionary*, Stanley's *Sinai and Palestine*, the works of Trench, Pusey, Alford, and others whose labours are still incomplete, will enable teachers of the present day to make their scriptural lessons at once much livelier and deeper, than was possible for those who could only draw their stores from the scanty granaries of Tomline, or D'Oyly and Mant.

But though the Bible is to be supreme, the religious teaching of a school should not be confined to it. The majority of scholars, those whose parents make no objection, will be obliged to learn, and we trust also (a rarer accomplishment) to understand, the Church Catechism, and at the approach of an episcopal visit, will be prepared for confirmation. The Report on the English schools furnishes strong testimony to the value of this ordinance in Christian education. Mr. Fearon, a young man just elected from Winchester to New College, testifies to the 'great care' taken by Dr. Moberly in the preparation, and to the effect of the two or three private interviews which, over and above the public instruction, he held with each of the candidates. Mr. Lee Warner, an old Rugbeian, tells us that for some weeks before a confirmation, Dr. Temple sees three or four candidates privately every evening, besides giving to all (as we learn elsewhere), weekly lectures in chapel, with doctrinal and practical comments on the Catechism, while at the same time each tutor is doing his best to impress his own pupils with the solemnity of the occasion as a turning point in life. When Dr. Butler of Harrow was asked whether, when he was a pupil of the school over which he now so ably presides, the boys looked on confirmation in a serious light, the reply was, that it is doubtful whether any event in the life of the boys at school interested them so much, and that this was plain even to an ordinary spectator, not only from the behaviour

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of the candidates during the confirmation, but from their general demeanour throughout the term in which it was administered. It appears too that at our public schools in England the children of Dissenters have been not unfrequently confirmed by the express desire of their parents. * But confirmation in our immense Indian dioceses, at least out of the Presidency cities and some other very accessible stations, is a comparatively rare opportunity. The daily prayers and church services, especially where, as at Simla, the governors intend to give the school a chapel of its own, will of course be so used as to lead the boys to a spiritual and practical view of religion, and we trust that sermons will be preached to Indian scholars not unworthy to be ranked with those to which many Englishmen, in looking back upon their boyhood, confess that they owe even their own selves. Even where there is no chapel, if the daily school prayers are conducted with the reverence and heartiness, which we have ourselves admired at Mr. Maddock's, the want of it will be as far as possible supplied. Moreover, it is most desirable that in every school a choir should be formed from the boys, and that to them should be entrusted the musical parts of the service. Few things awaken a greater pleasure and interest in school worship than this, and it is recommended by the Commissioners over and over again. If there is a chapel, these arrangements rest of course entirely with the Headmaster, but no Chaplain can fail to welcome such an addition to the services of his station church, and in any case, the choir will vary the daily morning and evening prayers in school by hymnody and chanting. We are glad to see that this is provided for in the *Short Daily Services for Christian Schools in India*, which the Diocesan Board has lately published. These are a few of the direct means by which, under God's blessing, a Christian education may be given, but the subject is one which cannot be reduced to rule. For the aim of the schoolmaster should be to infuse a religious spirit into the very system of discipline and instruction, in and out of school hours; and the boys should constantly feel present before them in the lives of their teachers, the example and influence of a heartfelt Christianity.

It only remains to state, as an appendix to our scheme of necessary studies, our entire agreement with the recommendation that 'every boy should learn either music or drawing, during a part at least of his stay at school. Positive inaptitude for the education of the ear and voice, or for that of the

* *Evidence*, part 1. p. 371. part 2. pp. 158, 290, &c

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hand and eye, is rare: and these accomplishments are useful as instruments of training, and valuable possessions in after life.'* With this we complete our enumeration of the subjects, which every boy should be taught, if he stays at school long enough to go through the whole course. Some of our readers will exclaim with indignation, that we have made no mention of physical science, which Mr. Maine has held up to the students of the University as the noblest of all studies; which the Commissioners, in spite of the evidence furnished by most of the schools, have recommended as a necessary element in their scheme of education; and which Dr. Temple, although his own opinion went the other way, intends, in deference to their judgement, to make compulsory at Rugby. Indeed Mr. Halford Vaughan seems to think it a panacea even for moral evils, through the information which it imparts as to the effects of vice on the animal frame and intellectual constitution, although in this strange misapprehension of the motives which guide human conduct, he received, we are glad to see, no encouragement from Professor Owen.† We certainly do not undervalue the importance, especially in these days, of this branch of knowledge. It is now brought into connection with the very highest subjects of all, and no clergyman can enter properly into the points of contact between science and scripture, unless he has some acquaintance with both. We fully accept the considerations which induced Dr. Duff and others to introduce it into the Universities of India, where the greater part of the students profess religions resting on views of science demonstrably extravagant. As Mr. Maine most forcibly said, 'in the fight which the educated Hindu, which the Christian Missionary wages against error, such success as has been gained, such success as will be gained evidently depends upon physical knowledge. Happily for the human race, some fragment of physical speculation has been built into every false system. Here is the weak point. Its inevitable destruction leaves a breach in the whole fabric, and through that breach the armies of truth march in.'‡ Still we are, on the whole convinced that it would be, for the present at least, inexpedient

* Report, p. 33.

† Evidence, part 2, p. 393.

‡ Vicechancellor's Address of 1865, p. 12. Is it too much of a digression to remark that, when viewed in contrast with this passage, the practical vote of censure past by the Madras Senate on the Rev. J. Richards, for saying on a similar occasion that caste is an evil, and the Bible the greatest fact in human history, was the very fanaticism of neutrality, if indeed anything so cold-blooded as neutrality can be fanatical?

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to make this study compulsory in our Anglo-Indian schools. When Mr. Maine extolled it as the most essential branch of education, he surely confounded the importance of its results with its importance as an instrument. The effect of any particular study as a mental discipline may be slight in comparison with the interest of the knowledge imparted by it. For example, the knowledge derived from theological study is of inestimable value, but a clergyman who has been chiefly trained by means of theology, without a good basis of general education, is apt to be narrow-minded and prejudiced. Even as to the vaunted effects of the physical sciences in 'liberalizing' people's minds, it is notorious that despotic sovereigns, such as the first Napoleon, have almost always encouraged them in preference to the moral sciences, putting down the literary men, and magnifying the mathematicians, chemists, and naturalists. But without wandering into these somewhat far-fetched considerations, we simply cannot find time for enforcing on all the pupils of our schools a systematic study of physical science. We would indeed encourage it as a voluntary subject, and actively develope any real taste for it in individual boys, but being convinced that as an instrument of education it is less important than the studies above enumerated as necessary, we can only reply to the remonstrances of Sir Charles Lyell, *malo cum Platone errare*, and recommend for adoption the compromise proposed by Dr. Whewell. He suggests that at certain intervals lectures on natural science or natural history, illustrated with specimens, drawings, and experiments, should be delivered at a school, so that 'when the naturalist's eye and the naturalist's mind exist in their embryo state in any boy, the development of these peculiar faculties may begin early, and so all the more easily affect the whole life."* To these lectures we would add a practice which seems to exist at Rugby, Marlborough, and Wellington College, of giving prizes for the best collections of different classes of natural objects from the neighbouring country. And this is perhaps the one point, in which our Indian schools may hope to surpass their English prototypes. If such collections can excite a love of natural science, when extracted from the mud of Warwickshire, the chalk of Wiltshire, or the sand of Berkshire; what ought they not to effect when they are gathered on the Himalayas? Even the dullest devotee of the Latin Grammar in St. Paul's School, will be stirred to something of enthusiasm for nature by the sight of Kunchinjinga, and by the ferns and orchids of

* Whewell, *on a liberal education*, § 373-4.

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Darjeeling. A perfect mania for botany, geology, entomology, and physical geography, ought to be developed among those whose school life is spent there, or at Simla, or at Mussourie.

And this leads us to the last proposal, which we have to make for the intellectual training of Anglo-Indian boys. We read much in the Report about a system existing in the modern public schools of England called *bifurcation*, by which boys at a certain period of their career are allowed to choose between a classical and a professional course. At Rugby too we see a formidable list of 'extras,' to be prepared out of school for the Christmas examination, and at Westminster there is a regular system of private reading for the annual election to the Universities. These precedents point to the completion of our school system in India, by the introduction of certain optional subjects, in which separate instruction should be provided, and from which every boy who has attained a certain stage in the regular course should be required to select one. We would propose not a bifurcation, but on a very small scale a *quadrifurcation* of the school. And the four subjects between which the boys (or their parents) should select are: (i) a higher course of Mathematics; (ii) Physical science; (iii) Greek; and (iv) the elements of Sanskrit. Those who are likely to derive profit from an addition to the mathematical course will be easily detected by the mathematical lessons, and eligible students of physical science will be sifted from the general mass by their attention to the proposed experimental lectures, and by their collecting zeal. It was with reluctance that we excluded Greek from the list of necessary studies, and we should think it a grievous loss and degradation to India, if the knowledge of it were to vanish from the land. Above all, we trust that some of the boys of our schools will be clergymen, and these at least should be able to read the New Testament critically, and to share that higher cultivation which distinguishes so many of their clerical brethren at home. We hope that in many cases a good foundation of Greek laid at school will be completed in an English University, or if that cannot be, at Bishop's College, and afterwards used for the benefit of the Indian Church, either by ministering to European flocks or preaching the Gospel to the heathen. And as to Sanskrit, some acquaintance with it is so important to an intelligent student of modern Indian languages, and even an elementary knowledge is so interesting from its scientific structure and its bearing on comparative philology, that we need say little in defence of the proposal that the means of acquiring this knowledge should be provided. What Latin does for the syntax, Sanskrit does for the accidence of Grammar. Moreover, by learning the Devanagari

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alphabet, the Urdu scholar becomes to a great extent master of Hindi. At the same time it would be unreasonable at present to expect the completion of our system by the introduction of these extra studies: boys will come to school grievously ignorant, and to work the necessary course properly, will tax to the utmost the powers of the most vigorous Headmaster. Whether it may be necessary at an early date to add the study of any modern European language to the list of optional studies we cannot say. French and German are no doubt very important in commercial life, but in India Frenchmen and Germans generally speak English. And for training in language and literature we think that Latin, Greek, English, and the Indian languages afford ample provision.

And now let us briefly recapitulate the instruction proposed for the higher class of Anglo-Indian schools. We have suggested as our ultimate object a system of necessary and optional studies, the former to be enforced on every boy in the course of a complete school career, the latter offered according to individual tastes and prospects.

A. *Necessary Studies.*

1. Holy Scripture to be taught to all, and the Catechism and Prayer-book to those whose parents make no objection to the study.
2. Mathematics: *i. e.* Arithmetic, Algebra to the end of Quadratics, Plane and Spherical Trigonometry, Mensuration, and Logarithms.
3. Latin, including composition in Latin Prose.
4. English, *i. e.* dictation, grammar, etymology, and poetry by heart.
5. Urdu, or some other vernacular.
6. History of England, India, Rome, and part of the history of Greece.
7. Geography generally, and those parts of it in detail which are necessary for (1) & (6).
8. Music or Drawing.

B. *Optional Studies.*

1. Higher Mathematics.
2. One or more of the Physical Sciences, or some branch of Natural History.
3. Greek.
4. The elements of Sanskrit.

We are quite sure that some such course as this must be aimed at, unless we wish the Christian inhabitants of India to be past by the Hindus in the race of life, in the distribution

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of Government appointments, and in the influence which they exercise on public affairs. For so much is now done both by the State and by missionary bodies for the higher education of those who are not Christians, that there is a real danger of this result, which, however just and necessary, will be humiliating to our national pride, and disastrous to the country, unless in the schools already founded or to be founded for Anglo-Indian boys, a course of instruction is provided intellectually equal to that given in Government Colleges, and morally raised far above it by the inestimable addition of a directly Christian training. And here we would quote, with warm approbation, the just and liberal reply made by Major Fuller, Director of Public Instruction in the Punjab, to those who maintain that it is useless to educate these boys beyond their station in life. 'It is forgotten,' he remarks, 'that their station in this country depends on the education which they receive.'* On this ground we rejoice to see that even in the Calcutta Free School a class of pupil teachers has been established, who are employed in the forenoon in assisting the masters, but 'are themselves instructed in the afternoon by the Headmaster in the higher branches of learning, to qualify them for the Entrance Examination of the University.'†

We have left ourselves but scanty space to consider other points of interest in connection with our subject, such as the internal discipline of the schools, and the recreations and physical development of the scholars. With regard to the former question, almost everything must depend for a long time on the personal character and influence of the master who is placed at the head of each school. He must supply to a new institution the lack of those traditions through which Eton is almost equally successful whether the head master is a good one or a bad one, and he must, therefore, feel it a duty to be in frequent contact with the boys. Above all things that worst of educational heresies, by which the head of a school is exempted from teaching, and considered merely as a 'general superintendent' must be eschewed like poison. This view has received a kind of formal acceptance and sanction in India, from the practice of calling the person responsible for the general management of a school *Principal* or *Rector*, and the chief teacher under him *Headmaster*. But it is founded on a fatal error. Education is not a mechanical but a dynamical process, not dependent on dry regulations and time tables and inspection, but on moral influence and personal

* Report of the Lawrence Military Asylum, 1865, p. 20.
† Report of the Calcutta Free School, for 1864, p. 7.

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exertion and the contact of mind with mind. The chief ruler of a school should always be the chief teacher, for when he is instructing his boys, he is learning their characters, and impressing upon them his own. Arnold made Rugby a school from which a new spirit flowed into English education, not by watching the undermasters, and keeping the mere machinery at work, but by preaching in chapel, and teaching the Sixth, and examining the other forms, and so diffusing his own influence and principles among his scholars. We are glad to see that in the Simla and Darjeeling schools, and in the reports of the Diocesan Board, the word *Head master* is always applied not to the second, but to the first officer, and we accept this as a pledge that he is really to teach the boys and move among them, instead of sitting aloft in some remote Olympus, adding up accounts, arranging the dietary, receiving reports from subordinates, and drawing up returns for the Director of Public Instruction. We do not mean that the head master should have nothing to do with such details: we trust that under his auspices the acquisition of habits of neatness, order, cleanliness, and punctuality, will be among the chief benefits conferred by every one of these schools: we only mean that among the details with which he personally concerns himself, the largest share of his time and attention should be devoted to teaching. *

With regard to other questions of discipline, such as the extent to which a part of it may be entrusted to the boys themselves, we think them as yet hardly ripe for solution. Parents in this country would, we suppose, be thrown into convulsions by the bare whisper of fagging; and we strongly feel that there is no greater blunder than to import into a new soil and climate a plant, which has flourished under totally different conditions of growth. We would only express a hope that something may be done, cautiously and tentatively, to invest a few of the elder boys with certain recognized privileges and responsibilities, of course carefully watched and superintended by the Headmaster. For the 'excellent fruits' which the Commissioners attribute to this system in England,

* We also observe with consternation, that in the reports of some Anglo-Indian schools, the boys' names are deformed by the odious prefix of *Master*. According to a newspaper account of a recent prize-day at St. Paul's School, Darjeeling, scholarships were adjudged to Master A and Master B. Contrast the manly simplicity with which the crowd of eager aspirants from all the great schools of England are informed by the *Times* of the adjudication of the blue ribbon of Oxford. 'On Thursday last, C. P. Ilbert and T. L. Papillon, from Marlborough College, were elected Scholars of Balliol".

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'a high and sound tone of feeling and opinion, independence and manliness of character, the combination of ample liberty with order and discipline,'* are exactly those which we most desiderate in the class which will furnish pupils to the hill-schools of India.

We pass lightly over the question of games and out-door exercises for an opposite reason. There is, we trust and believe, no doubt that they will be encouraged as they deserve. In England the only question is whether, under the influence of 'muscular Christianity,' they are not rather over-valued: and of this the Commissioners express their apprehension, when they regret that 'cricket has become so elaborate an art as to require professional instructors,' that matches are multiplied till they engross all the interest, and much of the time of the boys, during an important part of the year, that in some cases play is regarded as on the same level with work, and that boys imagine that they can make amends for neglecting duty by the industrious pursuit of pleasure.† But as yet there is no fear of this excess in India. We may leave athletic sports to their full development, not doubting that they will produce here the good effects which are attributed to them at home. We may look to them, not only as the means of developing bodily health and activity, but even valuable social qualities and manly virtues, including especially an unselfish spirit, which in a characteristic but very true passage of *Tom Brown's School Days* is said to be fostered by cricket, because every player has to strive not for his own success, but for that of his side. Nor is there any fear that their importance will be overlooked by Indian schoolmasters. Even our native students are invited to become athletes. We have ourselves seen cricket and leaping, carried on in the playground of a training school at Palamcottah, and preparations for both at Bareilly. From the relative position of these two places, we may infer that games are recognized from one end of India to the other, and if such exercise is practicable in the hot plains of Rohilkund and Tinnevelly, there is every reason to hope that it will be fanned into almost English vehemence by the life giving breezes of the Himalayas. From athletic games, carried on in such a climate, we surely may almost expect the physical regeneration of the Eurasian race.

It may appear presumptuous to have compared our puny attempts at Christian education in India, with the magnificent institutions which are the pride of England, and quixotic to

* Report. p 43.
† Report. p 14.

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expect here the same results which are so conspicuous there. We quite admit the portentous disadvantages under which our masters will labour, from the defective training, or often utter want of training, with which their pupils are sent to them, and from the habits, associations, and climate, in which they have been too frequently reared. But let them not despair. Difficulties and drawbacks only make their work the nobler and more directly Christian. As the schools themselves are more and more valued, the preparation for them will be improved. There must have been a time when the great foundations of William of Wykeham and Henry VI. were not much more important than the Bishop's School at Simla, and St. Paul's at Darjeeling. Rugby and Harrow were originally petty grammar schools, founded, the one by a grocer, the other by a yeoman, for the benefit of their respective parishes. We cannot then better close our article, or more persuasively urge our readers to bear their part in making similar small beginnings in India, than by quoting two extracts from the Commissioners' Report, the one on the general effect of public school education in England, the other on the present state of one particular school. If our labours produce, after many years, results approximating, however, remotely, to those which are here described, we shall have abundant reason for thankfulness to God, for whose service these schools are raised, and without whose blessing they will be raised in vain.

Speaking of the English public schools generally, after a fair enumeration of their evils and shortcomings, the Commissioners say:—

'It is not easy to estimate the degree in which the English people are indebted to these schools for the qualities on which they pique themselves most, for their capacity to govern others and to control themselves, their aptitude for combining freedom with order, their public spirit, their vigour and manliness of character, their strong, but not slavish respect for public opinion, their love of healthy sports and exercise. These schools have been the chief nurseries of our statesmen; in them and in schools modelled after them men of all the various classes that make up English society, destined for every profession and career, have been brought up on a footing of social equality, and have contracted the most enduring friendships, and some of the ruling habits of their lives; and they have had perhaps the largest share in moulding the character of an English gentleman. The system, like other systems, has had its blots and imperfections; there have been times when it was at once too lax and too severe, severe in its punishments, but lax in superintendence and

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prevention, but these defects have not seriously marred its wholesome operation; and it appears to have gradually purged itself from them in a remarkable degree. Its growth, no doubt, is largely due to those very elements in our national character, which it has itself contributed to form; but justice bids us add, that it is due likewise *to the wise munificence, which founded the institutions under which it has been enabled to take root,* and to the good sense, temper, and ability of the men by whom, during successive ages, they have been governed.'*

And of Rugby we read some particulars, which deserve to be quoted, as placing before our Indian schoolmasters the conditions of educational success, and also an ideal, which they should strive to imitate:

'To a few leading features, not indeed peculiar to this school, but all specially observable here, it will be enough to advert. A Headmaster whose character for ability, zeal, and practical success promises to make him conspicuous on the list of Rugby Headmasters; a staff of assistants who combine with skill, activity, and knowledge, such a lively personal interest in the school, as induces them to make habitual sacrifices for its welfare; a system of mental training by which the minds of boys can be enlarged and invigorated; a traditional spirit among the boys of respect and honour for intellectual work; a system of discipline, which, while maintaining the noble and wholesome tradition of public schools, that the abler and more industrious should command and guide the rest, still holds in reserve a maturer discretion, to moderate excess, guide uncertainty, and also to support the legitimate exercise of power; a system of physical training which, while it distinguishes the strong, strengthens the studious, and spares the weak; a religious cultivation, which although active, is not overstrained, but leaves something for solemn occasions to bring out; such are some of the general conditions, which have presented themselves to our notice, during our investigations. They go far also, we think, to explain that public confidence which the School has for many years possessed, and never, since the days of Arnold, in larger measure than at the present time.' †

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* Report, p. 56.
† Report, p. 298.

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ART. IV.—*The Tenure of Land considered as an Economic Question.*

EVER since England became the paramount power in India, historical controversy has been keenly waged on the question who were the owners of the soil. Opinion first settled on the zemindars, and that opinion obtained a legal shape in the permanent settlement of Bengal. Then it veered round in favour of the Cultivators and produced the ryotwary settlements. Village communities next came into favour, and now we seem to be going back to our first thoughts. The Talookdars of Oudh are putting forward claims to be considered as landholders, with more absolute rights than even English landlords possess, and opinion seems inclined to acquiesce in their claims.

We do not mean to enter upon the historical discussion. Were we to do so, we should be disposed to suggest that all the advocates of all the systems were wrong; that each saw one side of the truth, and failed to connect all they saw into a consistent whole. They failed also, because they attempted to apply a nomenclature which was Western and feudal to a set of phenomena, essentially Oriental and opposed to feudality; to define in legal language a state of things in which law was unknown. We are very far from wishing to speak with disrespect of the eminent men—who in turns adopted the various views epitomised above. They could not be expected to be beyond their age; and it is but lately that principles of historical enquiry have been discovered, which are capable of leading to a correct conclusion on the question.

But there is one point in which we are forced to admit that these inquirers were to blame. They should have borne in mind that they were statesmen as well as savans; that the very end and purpose of their inquiries into the past, was to guide the policy of the future; and they ought not to have sought to stereotype the past to the detriment of coming ages. We fear it must be admitted that these considerations did not guide them. Nay, we fear that to this day these considerations have but too feeble an influence. Englishmen in general have what they consider a healthy contempt for doctrinaire politics; and any Statesman who was suspected of a preference for economic principles over 'vested rights' would find it difficult to win the confidence of his countrymen. It is therefore no wonder that English statesmen in India have tended to conform to the

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home type, and have been disposed to limit their policy by a strictly historical inquiry into real or supposed rights.

Nevertheless a bigoted adhesion to historical so called rights is often obstructive and mischievous: and economical principles in reality involve a higher and more universal right, by which the historic right ought to be tested. Where there is antagonism between the two, sound policy would bid us follow the economic doctrine, unless there be, on other grounds, insuperable objections to doing so. But it does not follow that there is to be antagonism: and it so happens, that in the special matter of which this paper treats, historical fact, present practice, and economic theory, are absolutely identical on a fundamental principle.

The State is, *de jure* and *de facto*, lord paramount of the soil of India.

Whatever may be said, and on whatever grounds, concerning the nature of the interests of other parties, this much is certain, that the ultimate ownership in the strictest sense of the word resides in the Sovereign for the time being; and that all other ownership in theory and in practice, is admitted to flow from the ownership of the Sovereign. Every one who holds land is, in fact as well as in name, directly or indirectly, a tenant of the Crown. Assuming then that the Government represents the whole people, this doctrine is equivalent to the most advanced maxim of political economy, which lays down that the land of a community is the property of that community in its collective capacity.

It is when we advance the next step that we find diverging roads. Political economy asked, how is the collective ownership to be exercised to the best advantage? Historical investigation asks, how it has hitherto been exercised?—Practical statesmanship demands an answer to both questions: since its ends cannot be subserved but by knowing, what has been, as well as what ought to be.

Economically, the end of a system of land tenure is copious production combined with just distribution of agricultural wealth. Over the conditions of production, legal arrangements can have but little influence: and what influence they can have, is bound up with the conditions of distribution; since well arranged distribution of wealth is a stimulus to production and the contrary is a hindrance. Accordingly, in considering the economic conditions of a good system of land tenure, we may confine our attention to the arrangements for the distribution of the produce.

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It may be said with sufficient accuracy for our purpose, that land is the only natural agent which is subject to monopoly. It is therefore the only natural agent which can be made to pay rent: since rent depends upon monopoly. The ultimate test of proprietary right in land is the receipt of rent: and it will be found, that those persons to whom the law gives the right of enjoying the whole or part of the rent as such, are virtually in the position of owners of the soil.

Now it is possible for the State to keep the monopoly of land wholly in its own hands, taking rent through public officers; or the monopoly may be handed over to a more or less numerous body of landed proprietors. The State may also put a limit on its own demand, and may enforce a limit on the demands of those with whom it shares its monopoly, as against the actual tillers of the soil.

We propose to examine, first, whether it is expedient to enforce a limit to rent, and next, whether it is expedient to assign a share of the rent to a proprietary body, and what are the requisite qualifications of that body?

Permanency of tenure is one of the indispensable requisites of agricultural improvement. And permanency of tenure cannot exist without limitation of the demand of rent. It might be sufficient to say thus much, were it not that the principle, here laid down, is one that does not meet with ready acceptance.

It is indeed admitted that permanency is essential to improvement; but the permanency is generally supposed to be vested in the receiver of rent and not in the tiller of the soil. Now it does not need any elaborate demonstration, that it is the person whose capital is invested in agriculture, in whose favour the permanency of tenure (and consequent limitation of rent) ought to operate. There is nothing connecting the process of rent-receiving with the improvement of the soil. But the actual agriculturalist has the improvement or deterioration of the soil in his power: and his tenure ought to be so arranged that his interest should lie in improving. These principles are admitted when the question is between landlords and capitalist farmers. This class is not expected to undertake improvements without being protected by long leases. But when the question is between landlords and peasant farmers, this admission is not made. Yet it does not seem that the principle involved in the two cases is different. If a class of peasant cultivators is to exist at all, it must enjoy the same privileges as the capitalist cultivators: nay it might be argued that the peasant is entitled to the more enlarged privileges, in that he too is virtually a capitalist, though a small one, and therefore under the greater

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difficulty in applying his capital, and needing the firmer security for its return.

But it may be asked, why should the regime of peasant cultivation be maintained at all? Why should not the land be tilled wholly by labourers on daily wages, acting under capitalist farmers? Because, in the first place, it is not proved that the regime of capitalist farmers and daily labourers is decidedly superior to the other: and in the second place, there is no probability that it could be successfully introduced into India. It is not incontestably superior to peasant farming as regards production. It is inferior to peasant farming as regards the status of the day labourer. The peasant farmer of the Continent is materially as well off as his analogue, the English farm labourer: he is better off in all other respects. The employment of day labourers is almost peculiar to England: and it will be found that the more purely agricultural a country is, the more peasant farming prevails in it. The practice of employing day labourers, too, may be said to have grown up in England with the growth of the manufacturing system.

Hence on the whole, we think, it is fair to infer that there is something in the material or social condition of the day labourer which is distasteful to most men, and unsuited to purely agricultural communities.

Moreover, the English farming system is peculiarly unsuited to India, because all the habits and traditions of the people are bound up with the other system: and because there is no class which bears an analogy to that of English farmers.

We are accordingly left to fall back on cultivation by peasant farmers. Are these then to be tenants at will, or are they to have permanency of tenure? We believe that if the conditions of the question were fully examined, every one would pronounce for permanency. From the point of view of the tenant, the advantages of permanency are clear. As a question of bare justice, it should not be forgotton that to turn a peasant farmer into a tenant at will is to attempt to get skilled labour at unskilled wages. The day labourer works under the superintendence of the farmer; he has no need of any special knowledge; but the peasant farmer must do the work of both master and servant in one.

But even regarding the question as a landlord may be supposed to do, we shall find reasons to conclude in favour of permanency of tenure. There is no occasion to refer to so obvious a case, as that in which capital has to be laid out in reclaiming and bringing into cultivation land hitherto unproductive. In such cases permanent possession must be granted, or the work will

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not be undertaken. But in the ordinary case of cultivation of land already cleared, a moment's reflection will show that permanency of tenure is an insurance against wasteful and injudicious husbandry. For while a tenant, who can be turned out at the end of the current year, can feel no interest in the state of the land beyond the term of his own holding, it is in his power during his holding to do it damage, which may be long felt, and which may take many years to repair.

We have thus arrived at the conclusion that permanency of tenure is desirable. But permanency of tenure is of no value, unless it be accompanied with limitation of the demand of rent. This is so obvious that no formal demonstration is required. But there are certain arguments commonly urged against permanency of tenure and limitation of rent, which require to be examined into. First, it is said that they lead to minute sub-division of land. Admitted, but so does tenancy at will, if the other conditions be the same. Minute sub-division will take place when population increases rapidly, and has no source of support but agriculture. But fixed tenure gives a motive for putting a check upon over-population: tenancy at will does not. And there are causes of increase of population which act independently of any system of tenure; and which, though they may be counteracted by some systems, cannot be stimulated by any. For example, nobody will say that the early marriages of Hindoos would be encouraged by any system of tenure: so that the evil is incapable of aggravation. But fixed tenure would tend to check them; tenancy at will would not. The cultivator under a system of fixed tenure possesses an index of his own power to maintain and provide for his family: the tenant at will would be compelled, in order to solve the same question, to study obscure laws of supply and demand. We do not mean to say, that the check on over-population which we believe fixed tenure to supply, will be in all cases made use of. All we are now concerned to shew is that it exists. In this respect therefore, fixed tenure is no worse than the other system, and does not tend more to promote minute sub-division of land. Any influence the system we advocate does exercise is in the contrary direction.

Another allegation commonly made against fixed tenures is that they defeat their own end, by throwing open the door to sub-letting. This evil however can be remedied, and should be remedied by legislation. If it is not, we should merely have created a right to rack-rent in favour of a very numerous class. It has been already shewn that the only just claim to the full rent of the soil vests in the State; and it will be seen hereafter, that the class of rent-receivers ought to consist of the smallest number

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which is capable of fulfilling certain conditions, and performing certain duties. It can never therefore be economically expedient to invest a very large number with the right to exact an unlimited rent. It may be objected that once an interest amounting to a right of property has been conferred, legislation ought not to dictate how that right shall be exercised. This objection rests upon a misconception of the character of property in land. By the nature of the case, such property must be held subject to conditions: and there is no reason why this should not be one of them.

It may be urged that all which has been said above is applicable only to the case of a country in which agriculture is almost the sole mode of industry, and in which there is enough land to employ nearly the whole population. Where the supply of labour is considerably greater than the employment afforded by the land, there must arise a class of labourers dependent on wages alone for their support. This is true: but it is to be remembered that the increase of population can be held within bounds, and that one of the chief means of doing so consists in holding out prudential motives to the working classes. The acquisition of a permanent holding, placed as an object of ambition before the eyes of a labourer, would probably operate as a motive to prudence. Its effects no doubt would be subject to be weakened by contrary motives, but at worst it would only be neutralized, and the contrary motives would exist under any system of tenure.

Besides this, it is to be remembered that if the limitation of rent produced its natural effect, the enriching of the cultivating class, this again would create a new demand for articles of consumption. Certain things now luxuries would take place among necessaries: and new luxuries would be demanded. Hence would arise a market for the labour which the natural increase of population would call into existence.

Another topic commonly urged against permanency of tenure in the hands of actual cultivators, is the supposed difficulty of applying capital extensively to agricultural operations under such a system. By this may be meant, either a difficulty in bringing land together in large masses, or a difficulty in undertaking certain kinds of work to facilitate agriculture. In the first case the difficulty is admitted; but it is not admitted that it is a matter of such consequence. There are not many kinds of produce of which it can be affirmed with certainty, that large areas are more favourable to their production than small. Probably live stock may be said to be the only thing that requires large farms. And for it provision might be made.

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While asserting that cultivation on the small scale must under the circumstances of the country be the rule in India, it is by no means meant to exclude large farms where there is the possibility of working them. It will be seen hereafter that our plan makes provision for them.

As regards the expenditure of capital on extensive works for facilitating agriculture, (such for instance as irrigation and the like) it may be observed, that it seldom happens that individual landholders have the requisite capital, or if they have the capital, that they also have the will to lay it out. It falls therefore either to Joint Stock Companies, or to the State, to undertake works of this description: and it seems reasonable to think that the State will do the work best. For the primary object of the Companies will naturally be to enrich themselves: that of the State (supposing it to fulfil its duties) to enrich the community. It will be the interest of the Companies to exact as much payment as they can from those who benefit by their operations: the State will have no interest beyond raising taxation to defray the cost. It is also to be noted that the performers of works of such a nature will virtually possess a monopoly: which monopoly, if not vested in the State, would at any rate require State supervision and control. But while the existence of numerous small tenures is an obstacle to private enterprise, it could be none to the State in similar undertakings.

The general objection against the interference of the State in commercial ventures does not apply here. It may be generally said, that the principle of non-interference is subject to more exceptions in dealing with land, than in most other departments of economy. The State can never wholly part with its proprietorship: and in India it has retained a greater share than in most other countries. The obligation to undertake works of the description referred to is acknowledged; but there seems to be a disposition to qualify the acknowledgment, and to say that it would be better if the State could leave such things to private speculation. We do not agree in this view. It is a very remarkable fact that while such tendencies are shewing themselves in India, the public in England are finding out that private enterprise has failed in an important department (railways), and are calling for its nationalisation. To us the cases seem to be analogous. Irrigation works for India are as much national concerns as Railways: and, what is equally to the purpose, they are as likely to be mismanaged, though their mismanagement may not result in ghastly tragedies.

We have dwelt thus long on the expediency of fixed tenure and limitation of rent, because there is a general, and as we

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hold, a wrong belief that this form of tenure is economically bad. We have now to address ourselves to another question: whether, between the State and the Cultivator, there should be interposed an intermediate interest in land. In other words, should there be a class of persons enjoying a considerable portion of the rent, and corresponding in some degree to the class of landlords? It will startle people who are accustomed to think of landlords only in the English sense of the word, to be told that there is no absolute necessity for their existence. Yet such is the fact. The landlord had his use when, like the English proprietor, he was a feudal lord: he had his use when (like those of the talukdars and zemindars of India, who were not downright usurpers and robbers) he was the chief of a clan. But in neither case did his powers or his privileges assimilate to those of a modern English landlord: and in neither case, we may add, would the language have been applicable to him which we find constantly used by a section of the press of this country, whose principle seems to be 'the divine right of landlords to wrong their tenants.' In fendal times the lord was the head of a military organisation, and his power gave secure tenure to his military vassels and serfs against any other potentate, as long as he himself retained his position. Under the patriarchal system, the chief was as much the representative of the tribe as its ruler. Under most modern systems, he is neither the one nor the other. Neither is he, save exceptionally, an improver of the land, and we have shewn that in the peculiar circumstances of India at least, improvement is to be looked for from other sources.

There is therefore no political or economical necessity for his existence. There is nothing to hinder the State from taking its rents from cultivators by means of its own officials. But there are reasons why it may, under certain circumstances, be expedient to entrust the duty of receiving the rents to certain classes of persons, and to make their position to some extent analogous to that of landlords in the ordinary sense of the word.

For example, there could be no objection to choosing the official collectors of rent out of the classes whose position in times past resembled that of landlords. There would be an advantage too in doing so, where the person so selected was a chief of a clan, or a person connected by long standing association with the locality in which his office is to be exercised. Nor would there be any objection to his office being hereditary, provided that the rules of its transmission were so framed as to provide against incompetency, and against the sub-division of the office.

In a word, the existing class of so-called landlords could fill the

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office with but little modification in their existing powers and privileges. It is always desirable that existing institutions should be as tenderly dealt with as is practicable. The recognition of what we hold to be, economically and politically, the true character of landed property, is not inconsistent with the performance of inportant functions by the officer who receives the State rents.

We shall therefore assume, that it is both possible and desirable to retain under certain conditions the class, intermediate between the State and the cultivator, which we shall designate, as the least, misleading term by the name of talukadars. In the powers exercised by them we should make no great limitation. They should not have the right of demanding increased rent from the tenants, save by legal process and on known conditions. We have already intimated that sub-letting should be restricted: and the talukadar of each estate would be the proper person to enforce the restriction.

It would we think, be absolutely necessary to limit the size of estates to such dimensions, that they could be easily and profitably managed by one man; and then to adopt measures to prevent their further sub-division. The advantage of limits on both sides is obvious. No man should have more to do than he could resonably be expected to get through: it could only lead to the employment of irresponsible agents, and the defeat of the ends of the system. On the other hand too numerous a body of receivers of rent is a great evil. Clearly the greater number of persons that have to be maintained out of the rent, the greater the share that must be intercepted between the cultivator and the Government. And since the share of the Government is fixed for long periods if not in perpetuity, and the number of intermediate receivers of rent tends steadily to increase, the tendency is to increase the pressure on the cultivator; which we have already shewn to be inexpedient. It may be remarked that herein lies the real evil of the Village Settlement of the North-West Provinces. Every village community is a joint stock company of petty rent receivers; and when in addition to this fact, the strange intercomplication of their rights is taken into account, no one can be surpised that their progress in wealth is slow, compared with what it might be under a more rational system. The same remark applies to all arrangements under which cultivators with right of occupancy can sublet their land.

The exclusion of incompetent persons and the prevention of sub-division would involve considerable modification in the rules of inheritance. It would probably be necessary to adopt some

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form of primogeniture, with careful provisions for management during minority: unless indeed minorities were entirely excluded by reviving that ancient rule which admitted the succession of collaterals of full age in preference to minor descendants. But such an extreme measure as this is hardly to be expected: though it could be shewn not to be indefensible on economical and political grounds.

Under the system whose outlines are here roughly sketched it would be possible, we believe, to create a landed aristocracy free from most of the usual faults of such a body, and fulfilling important duties in the commonwealth. They would be sufficiently wealthy to have some leisure: they would be in a position favourable to the attainment of knowledge and culture: they would be placed so as to mediate, as it were, between the Government and the mass of the people. Such a body would perform valuable functions also in the administration of justice, and in the general management of local institutions.

We have said above that landlords are very seldom capitalists, and it does not seem to us very important that they should be. But we think that a body, such as we describe, would be able to accumulate capital enough for any purpose for which it is at all likely to be wanted. Whenever, for instance, the advance of the country shall have led to the introduction of agricultural machinery, the land-holder will be in a position to possess the machines required for the common use of the tenants on the estate managed by him: and it is in this or the like form, that the capitalist landholder is most likely to be useful.

It will be seen that we are virtually recommending a modification of the talukadary settlement which now prevails in Oudh. That settlement we believe to be capable of becoming the basis of a system of tenure which would be both conservative and progressive; would have its basis in historical tradition, and yet possess a power of developing into something like theoretical perfection. But the plan we advocate requires more modification of the theory than of the practice of talukadary settlement. Our theory requires that the ryot be considered the tenant in chief of the State, and the talukadar a hereditary middleman. In practice we would leave the latter very much as he is.

But it is the theory that makes all the difference. We think it is essential to recognise the ryot, the actual cultivator, as the direct tenant of the State; and to recognise the State as the ultimate absolute proprietor of the soil. At present, claims are put forward on behalf of various persons and classes, which claims we believe to have no foundation either in history or in

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expediency. Certainly no case can be made out on economic grounds, which does not assume as its basis, that the land is primarily the property of the whole mass of the community collectively. From this it is easy to infer the right and duty of the State, in its governing capacity, to settle tenures, and we think we have indicated the way in which they could best be settled, for the interest of such a community as that of India.

Let us briefly recapitulate what we have attempted to prove. First, we pointed out that the foundation of all true economic theories of land tenure is the assumption, that the land is the property, not of any class, but of the whole collective community. We shewed that the tendency of all countries whose agriculture is their staple industry, is towards small holdings in the possession of the actual cultivators. We then proved that permanency of tenure and limitation of demand of rent are essential conditions of improvement.

We laid down the principle, that in India the State is the universal landlord, and the ryot is the direct tenant of the State; but we admitted that there was no objection to interposing an intermediate interest, and that the course was not without advantage. At the same time, we asserted that the powers of the class thus created ought to be strictly limited by the considerations before indicated, regarding the position of the ryot.

It is our firm persuasion that all amendment of the laws (so-called) of Landlord and Tenant, must be founded on principles such as we have laid down. We believe it would be in vain to attempt to convert the zemindars and talukadars of India into landlords of the English type. Landlords like the old race now happily dying out in Ireland, they might become, but we need not ask whether that would be a benefit. But even supposing that they could be made English landlords, we deny that it would be right to sacrifice to them the interests of the mass of the people. We do not believe in any marked superiority in the English farm system, as an instrument of production; and we are sure that the English farm system is markedly inferior to the system we suggest, as an instrument of distribution.

We conclude with a few practical suggestions. In Ryotwary Settlements we think the true theory has been adhered to, and all that is needed is such modification in detail as will make the system work smoothly. We have indicated, that we do not see any absolute necessity for the interposition of landholders between the cultivating tenant and the State. Therefore wherever the system of receiving rent directly from the ryot has become traditional, we see no occasion to alter it. In a

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settlement like that of Oudh, all that is needed is to insist on the true theory, and adjust the still unrecorded rights in accordance with it. In Bengal, Government has foregone its right of benefiting by the natural increase of rent, but not of adjusting tenures; and here the tenant can be at least protected against arbitrary exaction.

In such settlements as those that prevail in the North-West Provinces, still greater modifications would be requisite. Provision should be made for the gradual absorption of the petty and complicated interests of the village communities. Compensation should be given for the right of collecting rent, either in the form of a permanent settlement of seer holdings, or a favourable rent, liable to fluctuation if circumstances required it. The right of collecting rent should be vested in talukadars, where any could be found; where they have become extinct, they might be created, if circumstances allowed; or the rent levied through Government officers, which could be as easily done as the revenue is now collected.

But above all things, sub-letting of land should be strictly prohibited. No transfer should be sanctioned, save under the authority of the talukadar, where there was one, or of the official receiver of the rent, where it was collected directly.

By such means, as we believe, a great degree of improvement would be rendered possible. At any rate, the retrogression would be prevented, which is certain to ensue upon any attempt to introduce those wholly artificial systems of land tenure which were produced by historical accident in England, and which are erroneously imagined to have contributed to England's prosperity.

In reality it was England's prosperity in commerce and manufactures that saved her land tenures. Had England been as purely an agricultural country as France, she would have shaken off her corrupt feudalities as France shook off hers. Her industrial and commercial wealth has enabled her to bear with them; but her case is purely exceptional, and any attempt to set her up as a model for other countries in this matter, shows either presumptuous ignorance or invincible prejudice.

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ART. V.—1. *Sushrata.*

2. *The Annals of Medicine.*

3. *The Transactions of the Medical and Physical Society.*

4. *Reports of the Medical College, Calcutta.*

5. *Speech of the Hon'ble Mr. Maine, Vice-Chancellor of the Calcutta University at the Convocation for* 1864-65.

LOOKING back to Vedic India, we find that the Hindus, who had made greater advance in civilization than several other ancient peoples, directed their attention from a very early period to the healing art. They studied with great success the means and appliances of curing disease and alleviating suffering. The traditions shew the high estimation in which the science and practice of medicine were held, for they tell us that an accomplished Bhoiddoo, *Dewanantore,* was one of the fourteen *Ratnas* or gems produced by the churning of the ocean.

It was in the East that medical philosophy was first cultivated, While it reposed in Asia on the solid foundations of induction and deduction, it rested in Europe on the baseless support of the supernatural, and was in fact obliterated in superstition. The researches of the Hindus did not emerge, like those of the Arabians, from medicine, but their physicians took an active part in the investigation of metaphysical and moral questions. Some of the Bhoiddoos were distinguished philosophers and critics, and the medical *tols* were great 'foci' of learning. That medicine was cultivated in India from time out of mind does not admit of a moment's question. The brahmins were the first teachers and improvers of it. They performed the same service to the Hindus that the Hindus, the Nestorians, and the Jews, performed to the Arabians, and the latter to the Europeans.

The medical system of the Hindus like that of the ancient Greeks was for a long time crude, as might be naturally expected, was associated with religion, and was administered by priests.

Greek medicine originated in the temples of Æsculapius whither the sick poor were accustomed to repair for the medical advice of that god. It was gratuitously given and was duly acknowledged by optional gifts. The Asclepion served both as schools and hospitals, and its professors united medical with

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ecclesiastical pursuits. Every sickness was attributed to the vengeance of some offended god. Epidemics were considered as the severest manifestations of the celestial wrath. It was reserved for Hippocrates, 'the divine old man,' to explode the doctrine of the theological nature of the disease, and to enunciate that of its material nature. He imputed the afflictions of men not to the anger of the gods, but to the disturbance of the humours of the body. Those humours, as taught by him, are four in number, and formed by the four elements of which the body is composed. The humours being liable to undergo change, health consists in their proper adjustment and equilibrium, and disease in their impurity and inequablity. He developed this theory and pursued it to its legitimate lengths, in utter disregard of the angry and interested opposition of the followers of Æsculapius. He studied in connection with it the special peculiarities of the human system, and the influences exercised on it by constitutional and climatic causes. He believed that the animal heat varied with different periods of life, being at its maximum in infancy, and at its minimum in old age, and he attributed to this variation the greater or lesser action of morbific agents on the body. He therefore urged the physician to attend carefully to the condition of his patients, in regard to their regimen, as the best mode of regulating their general susceptibilities. He also inculcates the necessity of watching the modes in which the humours are undergoing their "fermenting action," the phenomena displayed in the critical days, and the nature and character of the critical discharges. He does not attempt to check the process going on, but simply to assist the operations of nature, and the most accomplished physician now aims at doing no more.

The Hippocratic school of Cos found a formidable rival in the school of Chidus, which not only propounded a different theory of the nature of disease, but inculcated a different principle of cure. The Chidians, like the Homœopaths and also several of the Allopaths of our days, eschewed the active and anti-phlogistic-treatment of Hippocrates, never resorting to drastic purgatives, venesection, or the energetic means. They numbered several eminent medical writers, such as Philiston, who wrote on the regimen for persons in health, Diocles, who discoursed on Hygiene gymnastics, and Praxagoras, who developed the theory that the pulse is the chief test and measure of the nature and force of disease,—a theory to which the modern Cabirajes and Hakims of India are wedded.

The progress of these medical schools in Greece struck at the root of the union between the priesthood and the profession.

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As the latter separated itself, departments for the cultivation of special branches of medicine, such as Pharmacy and Surgery, were formed. In Greece the cultivators of medicine were divided into two grades, namely those who pursued it as a profession, and those who followed it as an industrial occupation. Among the latter was Aristotle who kept an apothecary's shop at Athens. Is it possible to fancy the great philosopher vending powders and lotions behind his counter?

The Greeks who may fairly boast of having produced the father of medicine, were not slow in appreciating and acknowledging the merits of the Hindu physicians. Arian in his ancient history informs us, that in the expedition of Alexander to India, the Grecian physicians found no remedy against the bites of snakes, but the Indians cured those who happened to fall under that misfortune. Alexander, according to Nearchus, having all the most skilful Indians about his person, caused proclamation to be made throughout the camp, that whoever might be bitten by one of those snakes, should forthwith repair to the royal pavilion to be cured. These physicians are also said "to have made other cures, but as the inhabitants have a very temperate climate, they are not subject to many varieties of disease. However if any among them feel themselves much indisposed, they apply to their Sophists (brahmins), who by wonderful and even more than human means cure whatever will admit of it." Strabo quoting Megasthenes states, that "there is a class of physicians among the Indians (brahmins) who rely most on diet and regimen and next on external applications, having a great distrust of the effects of more powerful modes of treatment. They are also said at that early period (A. D. 300) to have employed charms in aid of their medicines."

The reputation of the brahmins was not altogether undeserved. They perfectly knew how much human suffering could be alleviated by the application of the curative agencies with which nature has so abundantly supplied this country. They thoroughly appreciated the knowledge of a remedy to mitigate pain or remove a disease, and they sought to embody it in their Shastras and retain it in their families. But the imperfection of their knowledge, their ignorance of the operations of nature, and their powerlessness to cope with evils to which flesh is heir, combined to induce them to invoke the aid of their gods and rishees either as physicians or as counsellors. Among the former may be mentioned Shiva, Indra, Surya, Danantiri, and the twin Aushinekoomars. Among the latter were Purasara, Baradaza and Kosub. The reason of their calling in supernatural assistance, is to be found in their original belief that illness was the

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proof of moral guilt of the patient in the present or previous state of existence. These devotees, mohorshees, and rishees, were supposed at different times to have compassionated the disease-stricken condition of mortals, and to have communicated to a favored few the means of preventing and curing diseases. Medicine at that time in India was what it is often still elsewhere —that is to say, in no respect scientific, but absolutely surrendered to individual inspiration or supernatural revelation. In such a state of things, the progress of a superior man healing the sick with gentleness, and giving him by sensible signs the assurance of recovery, is often a puissant remedial agent. Such were the rishees and danutorees. But they had no more idea of a rational system of medicine than the mass of their countrymen, who believed that healing was to be effected by religious practices. Such a belief was perfectly consistent with the Shastras. As disease was regarded in the light of a punishment of sin committed in a former state of existence or of the act of a demon, the best physician was he who professed a control over the spirit-land. But the belief in the theological origin of disease waned in the age of the Dursuns and during the Bhuddistic period, and was ultimately displaced by the conviction of the material nature of human afflictions.

The Ayur Veda is the most venerable medical authority of the Hindus, for in it is embodied the ancient system of medicine. It is difficult to fix the age of this work, but the Sanscrit would indicate an early period. The Ayur Veda has no relation to the four great Vedas in which the code of the divine legislation of the Hindus is embodied. It is an Apa Veda, and is intended to teach the proper manner of living in this world by preventing and curing diseases in the present state. It is said to have originally consisted of one thousand sections of a hundred stanzas each; but that the celestial author, compassionating the weakness of men, and the difficulty of their mastering so voluminous a treatise, abridged and divided it into tantras.

There are several other medical works based on the plan of the Ayur Veda, such as the Charoka by Charak, Bhilatantra by Bhila, Parasara Sanheta by Parasara, Harita Sanheta by Harita, and Sushruta by Sushruta. The Ugni Pooran also treats of medicine. The Bhilatantra and Parasara Sanheta are now irrecoverable. Charoka and Sushruta are the great standard worke of medicine permanent in their influence. It must have taken years to complete them. The names of their authors are not to be found in the modern Hindu Pantheon. They probably flourished during the Bhuddistic era. Professor Wilson states that 'from the Charoka and Sushruta being mentioned in the

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Pooran, the ninth or tenth century is the most modern limit of our conjecture; while the style of the authors as well as their having become heroes of fable, indicate a long anterior date. One commentary on the tent of Sushruta, made by Ubhalta a Cashmerian, is probably as old as the twelfth or thirteenth century, and his commentary it is known was preceded by others.' The Charaka is arranged in the form of dialogues between the master and the pupils. It follows the division of the eight parts of the Ayr Veda, the first division containing the Materia Medica, the enumeration, classification, and uses, of medicines. In this work simple medicines are described as well as their combinations. But owing to want of exact anatomical and pathological knowledge, the arrangement of the diseases is often obscure and the descriptions inaccurate. Sushruta, the reputed son of the versatile Bisa Mittra, was instructed by Danuntori in medicine, and was recommended by his master to abridge the Ayr Veda, and arrange it into sections and chapters so as to be easily understood. The work prepared by Sushruta is of very high authority, and ranks only next to the Charaka. It treats first of Surgery, traces the origin of disease, prescribes the rules of teaching and the duty of practitioners, describes the uses of instruments and medicines, the influence of the weather on health, and the practice to be followed after surgical operations. It also describes the diseases of the humours and surgical diseases, different stages of inflammation, different forms of wounds and ulcers, and the regimen of patients laboring under them. This remarkable work also treats of nosology, the description and diagnosis of diseases produced by vitiated humours or derangement of blood and bile: it treats of anatomy or structure of the body: it treats of conception, and of the growth and development of the different parts of the body: further, it treats of toxicology, and points out the means of distinguishing poisoned food, and describes mineral, vegetable, and animal, poisons.

This work is the great surgical code, as the Charoka is the great medical code, of the Hindus. Those who were taught by Sushruta became surgeons, and the followers of Charoka physicians. The works which go by their names constitute the substratum of the later medical systems. These are all built upon the foundations laid by Charaka and Sushruta. The recent Hindu medical writers have uniformly adhered to the definitions, classification, and general details, of the great originals.

The anatomical descriptions of Sushruta evince a certain knowledge of the structure of the body, and afford conclusive evidence of the freedom of the ancient Hindus from those

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religious prejudices against touching a dead body which have for a long time interfered with dissection. The dissections were of course conducted in an imperfect way and by rude instruments. The dead bodies were kept under water for several days, and when they had undergone mortification, they were taken out and subjected to the process. 'When a proper body for the purpose' says Sashruta, 'has been selected, the dejections are to be removed, the body washed and placed in a frame-work of wood, properly secured by means of grass, hemp, or the like. The body is then to be placed in still water in a situation in which it will not be destroyed by birds, fishes, or animals. It is to remain seven days in the water when it will have become putrid. It is then to be removed to a convenient situation and with a brush made of reeds, hair, or bamboo-bark, the body is to be rubbed so as by degrees to exhibit the skinfresh &c., which are each in their term to be observed before being removed.' The anatomical system of the ancient Hindus was no doubt superficial, but it was precisely what might be expected in a very early stage of a civilization. But such as it was, it retrograded instead of making any advance.

Contact with dead bodies became sinful in the eyes of the Pooranic Hindu, and the expiation enjoined in the Shastras became more and more rigid till dissection fell into disuse. It is therefore not to be wondered at that the commentators and imitators of the founders of the Hindu medicine, being ignorant of anatomy and the real causes of disease, made many errors in their prescriptions. They blindly and implicitly followed the authorities, to the utter neglect of that careful and continued examinations of the progress of the diseases, by which alone their true nature and successful treatment are discovered. We thus see that although the healing art attained to very great eminence among the ancient Hindus, nearly all traces of it have long passed away among their descendants. When we speak of such eminence, we do not mean to assert that the Hindu system of medicines ever made the advance attained by the European system; but we maintain that comparison between the two systems is not fair and cannot hold good, inasmuch as the one had flourished ages before the other had been formed. The consideration of the agency of time vitiates such comparison. The Hindus, depressed by their social institutions and enslaved by foreign yoke, ceased to progress in their arts and sciences. The Europeans, socially and politically free and regenerated, made giant strides in the path of progression. No wonder therefore, that the great mass of the Hindus are apparently now what the Europeans were three centuries before the Christian era.

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Twenty centuries have done an immense deal for the European, but comparatively little or nothing for the Hindus. But comparing the ancient Hindus with contemporaneous nations, we find they occupied a foremost station amongst the great peoples of antiquity. They speculated profoundly on the mysteries, not only of the inner, but the outward, man, and they had acquired great proficiency, as we have seen, in the healing art.

Through the Nestorians and the Jews of Alexandria, the Arabs became acquainted with the medical science of Greece and Egypt. To this was added the knowledge of Hindu medicine derived from India. This knowledge contributed in no inconsiderable degree to the subsequent proficiency attained in that science by the Arabs. When the furious storm of Arabic conquest was over, we find, during the calm that succeeded it, the Jewish physicians innoculating the minds of the Caliphs of Bagdad with enlightened ideas. Maser Djariah, physician to the Caliph Moawiyah, was celebrated as a critic and a philosopher. Haroun, also a physician attached to the Caliphate, is known as the author of pandects, containing the first elaborate description of the small-pox and its treatment. The Caliph Haroun Alraschid was not only a munificent patron of the medical college at Djondesabour, but founded a university at Bagdad, and passed an edict prohibiting any person from practising medicine until after a satisfactory examination before one of those faculties. Not only the great works of Charaka and Sashruta, but the Nidan and other minor treatises on the diseases of women and therapeuties, were translated and studied by the Arabs in the days of Haroun Alraschid. The sixth volume of the journal of the Royal Asiatic Society contains an interesting extract from a Persian work entitled 'Fountains of Information Respecting the Classes of physicians, by Mmuivaffik-Uddin Abu—Cabbas Ahmed Ibir Abin Usaibiah.' It gives us the names of the Hindu physicians who flourished in the court of Bagdad, and furnishes us with much valuable information regarding their qualifications, and the services rendered by them to the cause of medical literature. Among them is Kanka, an essentially Hindu name. He is described as a skilful physician, and one of the greatest of men. He investigated the art of physic, the power of medicines, the nature of compound substances, and the properties of simple substances. Next is Sangahal, who is described as one of the learned men of India, and eminent among them for knowledge in medicine and astrology. He was the author of a book called 'The Great Book of Nativities.' The others are Shanek, Manka, and Jander, who are said to be learned in the art of medicine and skilful in the application

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of remedies. Of Manka the following interesting anecdote in connection with Caliph Haroun, is related by the author of the histories of the Caliphs and the Barmacides. 'Alraschid was afflicted with a severe disease, and although attended by his physicians could not recover from his illness. Then Abu Amru Alagus said to him: 'there is a physician in India named Manka, who is one of their devotees and philosophers: if the Commander of the Faithful would send to him, God would perhaps grant him the restoration of his health through his means. Alraschid therefore sent a person to fetch him, and at the same time to convey him such a present as would induce him to undertake the journey. Accordingly he came and attended Alraschid, who, under his treatment, recovered from his disease, and in consequence bestowed upon him considerable wealth and granted him a pension.'

The question now forces itself on us, 'How is it that the healing art, after having made such marked progress among the ancient Hindus, should have degenerated into a silly and senseless *empiricism* among their descendants?' The solution of it is to be found in the non-progression, or rather retrogression, of the arts and sciences of the Hindus, since their subjugation to a foreign yoke.

Time was, when the profession of a Bhoidoo was held in the highest estimation. Pooranic tradition has it, that an amiable young woman of the Vaisya caste, by name Amba, was serving as a maidservant to a rishi called Galaba, who, pleased with her conduct, poured forth on her this *bor*, or blessing, that she would have a beautiful and valuable son. She communicated this circumstance to her parents, who asked the Munee how that could be, as she was not married, and that the birth of a child would be a curse, and not a blessing, to the family. The rishi dogmatically asserted that what he had predicted would be verified, and added that the child should be denominated Verbhádra that he would be much respected and that his profession would be that of Bhoidoo. This child was the first of the Bhoidoo or medical caste. He begat thirteen sons, who were taught by the rishees the medical Shastras, and they became the most accomplished and skilful *cobirajas*. They constitute the original stock from whom the Hindoo physicians are derived, and form the caste of Bhoidoos. The rishees and mohorshees are said to have been the original teachers of the medical profession. They imparted their instructions in the form of oral lectures which were delivered in a peripatetic manner in open public places, such as Socrates chose for his lectures, and at which the pupils attended and took notes.

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There were also itinerant teachers who travelled about with their students curing diseases, so as to convince them of the efficacy of remedies by ocular demonstration.

The medical Shastras compare a good teacher to rain falling upon the germinating seed, and prescribe the following qualifications as essential to the due exercise of his vocation. 'A perfect knowledge of the Shastras joined to extensive practical knowledge and skill. He should be kind and humble to every one. He should have no defects of the body, and should always be ready to expose the good, rather than the bad, qualities of others. He should be clean and neat in his person, and possess and exhibit to his pupils all kinds of medicine and instruments. He should be always increasing his knowledge of books, and should neither be angry by the importunities of others, nor fatigued by *their* importunities. He should be kind and considerate to his pupils, and be able to explain the most complicated statements in the simplest and most perspicuous language. Such a person as this, who instructs his pupils, when of good parentage, is like the seasonable cloud and rain upon the corn field, which quickly matures its valuable produce.'

The Bhoidoo teachers number among them many rhetoricians, grammarians, poets, and moralists. The qualifications of the medical students are thus described. 'In all cases the medical student should be the son of a respectable and ancient family, who is either the son of a practitioner or of one who respects the medical profession. He should be inquisitive and observant, not covetous, jealous, or lazy.'

'He should be a philanthropist, possess a generous heart, and his disposition be amiable and happy.'

In the treatment of diseases of the poor and helpless people, the practitioner is enjoined to be as careful as of his own relations.

By night and by day, their anxious desire should always be to consider how they are to cure the sick under their care.

'The physician should possess a good memory and be always amiable, cheerful, and collected. His language should be mild, candid, and encouraging, rather like that of a friend than an acquaintance, and he should always be ready to assist the sick. His heart should be pure and charitable, and he should carefully follow the instructions of his *Guru*, and of his predecessors. Such a physician should possess a character for strictest veracity, of calm temper, and of the greatest sobriety and chastity.

'He should be a man of sense and benevolence, and his constant study should be how he is to do good. As a person may

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be afraid of his father and mother, friends, and *Guru*, but not of his physicians, so the physician should be more kind and considerate as a rule to the sick, than a father, a mother, a friend, or a *Guru.*' Medical men, bred under such a system, were blessings to their fellow-beings, and adorned the noble profession to which they belonged. The Bhoidoos were, men of cultivated minds, and their status in society was high, second only to that of the learned Brahmins.

Centuries before educated men in Europe adopted the profession of medicine and surgery, the surgeons and physicians of India had thought and written in one of the purest and most copious languages. But the dark ages came upon this land, and enshrouded its length and breadth in a thick and impenetrable veil of ignorance and superstition. The healing art, like other useful arts and sciences, ceased to be sedulously and properly cultivated, and soon degenerated into a huge sham. The faculty became distinguished only by the gross ignorance or downright imposture of its members.

The profession being claimed as a birth-right by the members of the Bhoidoo caste, was handed down from father to son as a matter of inheritance. Every Bhoidoo was *per se* a coberaj, he was inducted into the profession without any examination or previous training, but was merely required to feel the pulse, administer the *Borees*, and exhibit the *Pauchans*, according to their sweet pleasure. The former mixed with *toolsee (salvia)* leaves and honey, and the latter infused into hot water, constituted his whole Pharmacopœia. The drugs being administered rather homœopathically were comparatively innocuous. Not so the regimen and the regulations for diet and clothing on which the *Coberajes* placed their grand reliance. Absolute fasting during the first day of acute fever and several other complaints were rigidly enforced. This regimen was not unfrequently prescribed even in chronic cases, and in the last stage of prostration, when the system most requires to be supported by nourishment.

In cases of fever attended with thirst, boiled water in infinitesmal doses was only allowed; the cry of nature was thus stifled. Free air, bathing, and sponging, were religiously excluded. No wonder, therefore, that the results of such treatment were most unequal and unsatisfactory; in perhaps an hundred cases, one was cured by the remedies employed, or rather in spite of them; but in ninety-nine cases the patients were precipitated to the grave by either inanition or the administration of deletrious drugs. The pathology and therapeutics of the *Coberajes* were a compound of ignorance and pedantry. These men were innocent of all knowledge of medicine in its true and extended

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signification; namely, that knowledge which can be useful in enabling us to prevent the occurrence of diseases, or which may assist us when diseases have occurred, in conducting their treatment with a view to their alleviation or cure. They had no acquaintance with the human economy in a state of health, or with the pathological conditions to which it is liable. They were equally ignorant of morbific causes and therapeutic agents. The results, of this ignorance were most disastrous, and loudly called for the interference of the State. But it was not until the year 1822, that the first organized effort was made by the Government for the communication of medical instruction to the natives. In that year the 'Native Medical Institution' was established for the purpose of training native doctors. The instructive Staff consisted of a civil assistant surgeon and two native assistants. The former was a man of extensive erudition, but he did not know how to go to work the right way. He had no faith in the work he was entrusted with, and rather than bring discredit on himself by failure, he wanted to wash his hands of the business. Instruction was imparted through the medium of the Ordoo language. There was no attempt at the dissection of the human body, because it would have interfered, as it was supposed, with the religious prejudices of the students. The only practical information on this subject was obtained from the dissection of lower animals, and from *post mortem* examinations of persons dying in the General Hospital, which the students were permitted to witness.

In 1826, two medical classes were established by the Government, in connection with the Sanscrit and Madrissa Colleges. In these classes, rudimentary treatises on anatomy, surgery, and medicine, translated from the English into the Bengallee and Ordoo, were taught along with the ancient Hindoo and Mahomedan medical works. But neither the medical institution, nor the medical classes, answered their object; they had no element of vitality in them. The result obtained was far from satisfactory. At last however, the deplorable state of medical education attacted the attention of Lord William Bentinck, and he appointed a committee to report on it, and to suggest the best means of disseminating medical instruction.

It was in accordance with the suggestion of this committee, that the Governor General in Council passed an order announcing the abolition of the medical institution and the medical classes, and the formation, in their stead, of a new college, for 'the instruction of a certain number of native youths in the various branches of medical science.' The college was placed under the control of the committee of education, who were accordingly charged with

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providing a suitable building, a library, anatomical preparations, and all other objects of an indispensable necessity to the education of the pupils. The benefits of the institution were not confined to the foundation students, but were declared open to all classes of native youths, without exception to creed or caste. It was placed under the management of a superintendent and an assistant superintendent, who were required to devote the whole of their time to the duties of the institution, and were not permitted to enter into private practice, or to hold any situation that could in any way withdraw their attention from those duties. Mr. Assistant Surgeon M. J. Bramley was nominated to the situation of the superintendent of the new medical college. He was assisted by a brilliant professional staff, consisting of Dr. H. H. Goodeve, as Professor of Anatomy, and Dr. W. B. Shaughnessy as Professor of Chemistry. Both these officers had made the respective sciences they were appointed to teach their specialities, and were the first men in their respective departments. The college was opened on the 1st June, 1835, and was located in an old house in the rear of the Hindu College. Lord Auckland paid a visit to the college on its removal to the present magnificient edifice. On that occasion Dr. Bramley delivered an impressive address to the pupils in the presence of his lordship and a distinguished assembly. But the doctor was not destined to continue his labours long for the institution placed under his fostering care. He died in January, 1837. This melancholy event was regarded as almost fatal to the rising college. But Government wisely stepped in, and made a judicious arrangement by which the anticipated effects of that event were obviated The office of superintendent was abolished, and the salary appropriated to new professorships. Mr. Egerton was appointed professor of surgery and clinical surgery, Mr. R. O'Shaughnessy, demonstrator of anatomy, and Dr. Wallich, superintendent of the botanic garden, *ex-officio* professor of botany, Drs. Goodeve and Shaughnessy continuing their respective professorships as before. The professors further were formed into a council, and David Hare, the apostle of native education, was appointed secretary to the college. The last appointment reflected great credit on the Educational Board and the Government, for a wiser measure could scarcely have been devised to strengthen and perpetuate the infant Medical Institution. The enthusiastic attachment, with which the native youth regarded Mr. Hare, served as a cement to its newly laid, but rudely shaken, foundation. It will be seen that the English system of education, in all its detail, was adopted in the Medical College. Anatomy by dissection was regarded as the basis of medical knowledge. Dissections were

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introduced by the most gradual and cautious steps under the personal supervision of Dr. Goodeve. The late Mudoosoodun Goopta, rising above the prejudices of the age, was the first to handle the dissecting knife, and thereby showed the necessity and importance of studying anatomy in the dissecting room. On the 17th October, 1838, Government nominated Drs. Nicolson, Grant, Martin, and Steuart, a Committee for the examination of such senior students of the college, as were reported qualified for the charge of Moffussil Dispensaries. This Committee, considering the great importance of the task imposed upon them in all its relative interests, and the grave responsibility, which the due performance of it incurred, agreed in opinion, that the examinations should be of a thoroughly searching and strict character, not only in justice to the public, but to the students themselves and their teachers. The examination at the time commenced on the 30th October, 1838, and lasted seven days. The candidates were first led in the dissecting room, and made to demonstrate the parts in various sections of the subject; this in the opinion of the examiners they did most creditably. They then performed some surgical operations, and they were subjected to a strictly practical examination: their knowledge of the subjects being put to the severest possible test, with a result that was highly satisfactory. The Committee of Examiners unanimously came to decision to grant diplomas to Dwarkanauth Goopta, Umachurn Set, and Rajkristo Mitter, as the first Hindus who had distinguished themselves by attempting to complete medical education upon enlightened principles. In their report to the Supreme Government the Committee declares, that 'the ordeal through which these young men have passed is one of no common kind, and affords a very gratifying measure of capacity and acquirement. The result is such as to satisfy us that their average knowledge is of a very solid and well grounded character.'

In compliance with the recommendation of the examiners a meeting was held in the theatre of the college for the purpose of conferring diplomas upon the four young men entitled to receive them. Sir Edward Ryan, as President of the general Committee of Public Instruction, presided on the occasion, and presented the graduates with their letters of qualification. After the ceremony was concluded Dr. John Grant read an impressive charge to the graduates. In welcoming them into the ranks of a liberal and honorable profession, he earnestly impressed upon them, that although their preceptorial instruction had been concluded, they were entering upon that system of self education which the medical practitioner must follow in the

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school of experience. He urged them to cherish habits of observation. He reminded them of the absolute necessity of moral courage to the medical man, and implored them never to leave that presence of mind, as they must in that case irretrievably commit themselves. He also reminded them of their manifold duties, and asked them to be ever diligent in fulfilling them. He begged that they would not give in to a weakness too common among Bengallees, that of an unwillingness to quit Bengal itself or even Calcutta. He bade them not to be over-solicitous about rank and pay, but to recollect, that there are two kinds of rank, fictitious or mechanical rank, and that which could only be conferred on man by the Almighty and the use he made of his own talents. He asked them to be more solicitous about the latter, like Dr. Simon Nicholson, and to make *him* the model of their conduct. At the conclusion of this telling address the prizes awarded by Baboo Dwarkanauth Tagore to successful students in the annual examinations, and the Government Gold and Silver Medals, with certificates of proficiency, were distributed, and the proceedings were brought to a close by Sir Edward Ryan according thanks to Baboo Dwarka Nauth for his enlightened liberality.

One of the most distinguished of the first batch of diplomamen, who thus received their honors amid the admiration of a crowded assembly, has practically shown what can be done by adhering simply to private practice. The success which has attended the honest endeavours of Baboo Dwarkanauth Goopto, affords a literal fulfilment of the good advice of Dr. John Grant.

We are not ignorant of the difficulties which this institution has had to contend with, and how they have been overcome by the tact and judgment of those entrusted with its management. We all know how steadily it has progressed and developed into the first medical school of India. At first education was conveyed in the Medical College in the English language as we have already said. In 1838, a secondary class was formed in Ordoo for the training of up-country young men as native doctors. Subsequently another additional class was opened, namely, the Bengallee class, to which instruction is conveyed through the medium of the vernacular language. Thus, there are now three grades of students educated in the college, namely, the primary or English class, the secondary or military class, and the third created or Bengallee class. Into each of these grades young men of all creeds and colours and countries are admissible, and from them have gone forth, from year to year, sub-assistant surgeons, native doctors, and graduates.

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The Medical College has thus been the nursery of our medical men. It has fed all the dispensaries in the Mofussil. Its alumni are also to be found in the army, in charge of jails, in private practice, in railway stations, on board steamers and passenger ships, in the employ of zemindars and planters, and in depôts and shops.

Among the services which the College has rendered is undoubtedly to be reckoned the spread of medical education. A second and a still greater is the creation of scientific habits—of those habits of analysis which must be most important in its effects on the national character and social life of the Hindus. The institution has become a puissant engine for the amelioration of their condition. It has conclusively shown that Hindu youths are quite as capable of acquiring scientific truths as European youths. It has also satisfactorily demonstrated that prejudices most rooted may be overcome, when the power of knowledge is brought to bear on their overthrow.

One of the most important events in the history of the College is the expedition of four students to England for education. It was conducted by Dr. H. H. Goodeve in a most admirable manner. He embarked with the students in his charge, in March, 1845. The courage and enterprise of the young men who accompanied him are beyond all praise; they were entered on their arrival in London as pupils in the University College and 'from that period their course was one uninterrupted course of triumph.' Dr. Chuckerbutty has proved the most distinguished member of that brave band, and has shown to the inhabitants of the civilized world what Hindu students can achieve, when pitted with the students of Europe in the fair field of intellectual competition.

The system of medical instruction pursued in the Medical College, like other systems, has had its blots and imperfections. There have been times when it was at once too lax and too severe—severe in its punishment of pupils of certain grades, but lax in supervision. The weak point of the system is that it does not exact a sufficient amount of general knowledge as the ground-work for the special studies cultivated in the college. It is based on the false theory that rudimentary knowledge is sufficient preparation for the the mastering of medicine. We were present in 1838, on the interesting occasion of the conferring of the diplomas upon the passed students, and we listened to the eloquent admonition of Dr. John Grant. We recollect the parental solicitude with which Dr. Grant, Sir Edward Ryan, David Hare, and Dr. H. H. Goodeve regarded this great experiment of enfranchising the Hindu mind from ignorance and superstition. We freely and cheerfully admit that the

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College is no longer an experiment, but an accomplished and beneficent triumph. But we maintain more in sorrow than in anger that the degree of enfranchisment of the Hindu mind effected by this Institution is not complete, nor the measure of its success so full as could be wished. We attribute these shortcomings to the system, as we have already said, and we cannot resist the conclusion that it is too indulgent to idleness, or struggles ineffectually with it, and that consequently it sends out along with some accomplished young men, a certain proportion of young persons of idle habits and empty and uncultivated minds. Ill-grounded in the principles of a sound training, taught in a foreign language after foreign modes and by foreign teachers, they find it difficult to master and to retain profitably the knowledge they have acquired, and more so to make it the basis to build up more knowledge. Sprung from the middle class, and often from the class below the middle class, they have little or no opportunity to keep fresh and in active operation their acquirements by conversation with Europeans in society. Many of our medical men are no doubt thoroughly competent to watch the phenomena of known diseases, and to combat them by known remedies, but the defects of their previous general education incapacitate them from being on the alert 'for new diseases, and for new remedies or modification of old remedies to meet the contingencies of shifting condition.' In this respect they resemble those Moonsiffs and Sudder Ameens, who, though well versed in regulations and the Civil Procedure Code, are non-plussed when called upon to lay down the law in sepcial cases. Though well up in routine work, they find themselves at sea when the subjects they have to deal with are surrounded by difficulties and complex circumstances. Our sub-assistant surgeons,—especially those who are located in the Mofussil,—have it in their power to add to the general stock of our knowledge in collateral branches of scientific observations, but how very few of them have, for instance, brought their attainments in chemical analysis to bear on the investigation of the meteorological and agricultural conditions of their districts! The officer who has discovered *atit* to be a substitute for quinine, is not a native but an European graduate.

Again, there are those among the graduates of the Medical College who look upon their profession merely in the light of a trade to make rupees by. We do not for a moment question their right to expect proper and liberal remuneration from the opulent and the well-to-do, but we certainly object to their converting their knowledge into an engine for fleecing the indigent and the distressed. We know of several living examples

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of large benevolence among the native as well as the European medical men, and we earnestly hope it may be more extensively emulated by the graduates of the Medical College. We have commented thus freely on the deficiencies of the native medical practitioners because we believe with every good doctor, that the safest and best way to cure a wound is to probe it to its bottom. We must know the source and magnitude of the evil before we can eradicate it. What is true of the physical, holds true also of the mental, organisation.

We believe the Medical College, as respects its instructive staff, its hospitals, its dispensaries, its museums, and the number of patients who benefit by it, now equals many of the best and ancient schools of Europe. It affords the finest medical education in the technical sense of the word. Anatomy, the keystone of medicine, chemistry, and botany, which have thrown such a flood of light on it, first engages the attention of the student. General anatomy and physiology, the theory and practice of medicine, the operative parts of medicine, surgery and midwifery, are then studied under special professors. The actual application of these branches of medical science is pointed out in the wards of the hospitals, and constitutes the process of what is technically called *Walking the Hospital.*

This training is excellent so far it goes, but to be effective, it pre-supposes, or must be at least accompanied by, a knowledge of the English Classics, and of the moral and mental sciences.

The human economy consists of two distinct parts, namely, an organised body and a conscious mind, which act and react on each other in many and marvellous ways. Both those elements being liable to deviations from their normal or healthy conditions, a knowledge of the body and mind in the healthy exercise of their functions, constitutes the basis of medical science. It is on this foundation we would build up the medical education of the natives. The study of the mind in its healthy condition constitutes that department of philosophy which is called Psychology, and is supposed by some to be independent of medicine. But we believe that the consideration of its various phenomena, intellectual and moral, should be included in the same department of medical science that treats of the healthy phenomena of the corporal part of our system. 'There is' says Dr. Brown 'a physiology of the mind as there is a physiology of the body; a science which examines the phenomena of our spiritual part simply as phenomena, and from the order of their succession or other circumstances of analogy, arranges them in classes under certain general names; as in the physiology of our corporal part, we consider the phenomena of a

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different kind, which the body exhibits, reduce all the diversities of these under the names of a few general functions.' M. Auguste Comte says, no one is fit to be physician who does not study and understand the whole man moral as well as physical. He calls the existing race of physicians, *Veterinaries,* since they concern themselves with man only in his animal, and not in his human, character. We are convinced that a knowledge of the mental and moral faculties is indispensible to the physiologist, both from their intrinsic importance as parts of the constitution of man, and from the influence which they exercise on his bodily functions. It is also manifest that a knowledge of the mind in its normal condition must be equally indispensible to a proper understanding of the mental diseases, as is a knowledge of the body in its healthy state to the understanding of the ills it is heir to. It is therefore very necessary that our medical men should be impressed with the importance of acquiring such a knowledge of the intellectual and moral powers, as may serve as a substratum for the scientific study and effective treatment of mental diseases.

We are aware that the deficiencies of the general education of our medical students have lately attracted the attention of the proper authorities, and it has been wisely ruled by them that none but a B. A. should be allowed to compete for the degree of M. D. We however, think, that a similar educational test should be established for all competitors for medical diplomas. It is time that the extension of knowledge throughout the various classes of the native community should be kept pace with by the students of the Medical College. It is time that Literature and Mathematics, History and Philosophy, Moral and Mental sciences, should cease to be sealed Shastras to them, and that every subject not immediately connected with professional proficiency should cease to be religiously eschewed.

The medical science is not an exact but an essentially progressive science. The medical man, like other men, in several other departments of knowledge, must be a student for the whole period of his lifetime, for were he to live as long as Methusala, he would have still something to learn. Nature would still have something to reveal to him. But unfortunately the majority of the graduates of the Medical College appear to think that their education is ended, when they obtain their deplomas. This is a great mistake. They must ever continue to be students. To stand still is to retrograde. It is when they leave the walls of the College, that the most important and practical part of their education commences. It is then that they should educate themselves in the observation and treatment of diseases, and test and record

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their observation. This country presents a vast field for such researches. We therefore trust that the graduates will find means of collecting, communicating, and publishing, the facts they may discover. What is wanted on their part is study and persistent exertion after leaving College. They should recollect that 'men are taught in the Colleges but tried in the world.' They cannot rest on academic honors in the professional career. In the battle of life, in the rubbing of shoulder to shoulder, it is the after performance that proves the man.

In connection with the subject of medical education, we think it were greatly to be desired that the knowledge of medicine were not confined to those who mean to earn their livelihood by practising it as a profession, but that it formed a part of every accomplished native gentleman's ordinary education. In the whole range of useful arts and sciences, there is perhaps scarcely one of which the native community are so ignorant and ill-informed as medicine. Elsewhere ignorance consists perhaps in the absence of knowledge. In this country it is accompanied by all sorts of errors. Her children have been taught every variety of falsehood and absurdity. Their passions and prejudices, their sympathies and antipathies, have been inflamed and excited in aid of every sort of quackery. We know hundreds of respectable and educated natives who suffer dreadfully from this ignorance. We daily meet with living and melancholy examples of dysentery, of diarrhœa, of chronic dyspepsia, of asthma, which an acquaintance with the fundamental principles of physiology might have obviated. There are in fact few natives of Bengal who are thoroughly well, or who enjoy genuine health. If the imperative necessity of taking daily exercise, of breathing pure air, feeding on wholesome food, and sleeping in a dry and healthy place, had been more generally understood and systematically acted upon, we should not have seen so many of them bringing their illness on themselves—we should not have met with so many opulent Mullicks and Munduls sitting on the eternal guddee, smoking the eternal hookah, chewing the eternal pân, and eating the eternal greasy fish curry. But as the conditions of health cannot be conformed to, without a knowledge of the laws of health, we think it is of paramount importance to impart it not only in our colleges and high schools, but in the Mofussil village schools. Those laws are as independent and invariable in their operation as the laws of the mind. We should not wish the Mofussil school-boy to pour over Dr. Graves's lectures. We should not wish to introduce in the Mofussil Schools, Quains' Anatomy or Carpentor's Physiology, but we assert that such a course of physiology as is absolutely necessary for the appreciation

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of its fundamental principles, and their bearing on daily conduct, should be an important part of the curriculum of native education. It is impossible to estimate adequately the importance of physical education to the people of this country. It is not only essential to the duration and enjoyment of life, but, without it, their mental culture cannot be effected. It is lamentable how much they have become enervated by their systematic neglect of it.

It is not only in a material but in a moral and religious point of view, that the study of the medical sciences is eminently beneficial. Their influence upon the mind is generous and ennobling. When we consider how elevating is the study of anatomy and physiology, and of the natural and physical sciences on which the healing art is based, how exalted are the ideas which these sciences convey of the attributes of our Creator! The glorious organization of the human frame can never be the fortuitous aggregation of atoms brought together by blind chance, as taught by certain medical materialists, but affords the most indubitable evidence of the skill and power of a maker. 'What', says the immortal Galen, 'if you see a couch, you infer it was made to lie upon; if a boat, that it was made for floating in, if a house, its doors, its windows, and the proportion of its rooms, would lead you to infer that it was made for human habitation. Yet you can look at man's eye, at man's heart, at man's hand, even and believe these all chance work.' He then exclaims 'who this God may be, I know not, but unknown, I adore.' Yes in the self-moving, self-acting, self-sustaining, and self-renovating machinery within us, we recognize an Almighty and Omniscient mechanician. We see His Power and Wisdom, His Greatness and Goodness marvellously displayed in the miracles of the animal economy, in the circulation of blood by means of the arteries and veins, alternately communicating with the cavities of the heart, in the generation of the animal heat in the body by the mixture of the respired oxygen with the carbon of the system, in the phenomena of the nervous system which maintain a mysterious connection between mind and matter, in the digestion of the food, its conversion into chyme by the gastric juice secreted by the walls of the stomach and its chylification and assimilation with the blood in the germination of the ovum, and in the formation, development, and maturation of the fœtus in the uterus of the mother.

'What is it but God, inspiring God, whose boundless spirit and unremitting energy pervades, adjusts, sustains, and agitates the whole?'

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ART. VI—1. *Histoire des Indes Orientales*, per l'Abbé Guyon. Paris, 1744, 3 volumes.

2. *Memoir pour le Sieur de la Bourdonnais, avec les pièces justificatives.* Paris, 1750.

3. *Memoire pour le Sieur Dupleix contre la Compagnie des Indes avec les pièces justificatives.* A Paris, 1859.

4. *An account of the war in India between the English and French on the coast of Coromandel, &c., &c.* by Richard Owen Cambridge Esq., London, 1761.

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6. *The Modern part of an Universal History from the earliest accounts to the present time*—London, 1781.

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19. *The History of India*, by John Clark Marshman. Part I. London, Harrison, Pall Mall, 1864.

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IN the year 1725,* a small French squadron under the command of M. de Pardaillan, acting under the orders of the government of Pondichery, came to opposite the little town

* The writer of this article desires here to rectify a mistake which occurred in an article entitled *The Early French in India*, which appeared in the last number of this *Review*. It was stated at page 346 of that number, 'that the exact state of his '(Martin's)' demise is not 'accurately known, but it is believed to have occurred in 1725.' This statement was based mainly on the authority, of a biographical sketch of François Martin in the *Nouvelle Biographie Générale* published in 1861. This sketch concludes thus: 'in 1702, the Company 'established at Pondichery a superior Council of which it named him' '(Martin) President. When the traveller Luillier visited the colony in '1722, and 1723, Martin was still living; but he died probably before '1727,—the year in which the Company concluded with a Hindoo 'Prince a treaty in which he is not mentioned.' The reference to the treaty intimates as plainly as words can intimate, that Martin was Governor of Pondichery when he died, and the first part of the quotation states boldly that his death occurred subsequently to 1723. The reputation for accuracy which the *Nouvelle Biographie Générale* enjoys, was sufficient to induce the writer, in the absence of any opposing testimony, to accept the statement regarding the date of Martin's, demise,—the more so, as it appeared to him to receive indirect support from other authorities. The Abbe Guyon, for instance, in his *Histoire des Indes Orientales* states that Martin lived to see the settlement of Pondichery and all that depended upon it in a flourishing condition. Now, as the real prosperity of Pondichery dates from the formation of the Perpetual Company of the Indies, this remark, coupled with the absence of any reference to the successors of Martin, appeared strongly confirmatory of the positive statement in the '*Biographie Générale*.' The first doubt was suggested, long after the article had been printed off, by the perusal of the '*Memoire pour le Sieur Dupleix*'. In this it is stated that Dupleix set out for Pondichery in 1720, and that, on his arrival there, probably the following year, 'the Governor of Pondichery was Monsieur Lenoir'. This was directly at variance with the statemeut regarding Martin in the '*Biographie Générale*', but it was supported by the writer of the article 'Dupleix' in the *National Review*, who had free access to the *Ariel* papers. But no other work to which it was possible to have access in this country threw any light on the subject. In this perplexity, the writer took the bold

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of Maihi, just below Tellichery, on the Malabar coast, and summoned the place to surrender. The Governor refused. The situation of Maihi indeed seemed to place it out of all danger. On high ground rising up from the sea, and washed on its north side by a little river, the entrance into which, as it ran into the sea, was closed by rocks for even the smallest boats, Maihi seemed to be able to bid defiance to any enemy who should attack it on the side of the sea. So at least thought the governor, and so, apparently, seemed to think the French commodore. He, at all events, was hesitating as to the course he should adopt under the circumstances, when the captain of one of his ships submitted to him a plan which he begged he might be permitted to carry himself into execution. The name of this captain was Bertrand François Mahé de la Bourdonnais.

As this is a name which will occupy considerable space in these pages, it may be as well to take the earliest opportunity of describing who and what manner of man this was, the earliest trace of whose action in the Indian seas we have just adverted to. La Bourdonnais was born at St. Malo in 1699. When not ten years old he was entered as a common sailor on board a merchant ship bound for the South Sea. Returning thence, he made, in 1713, a second voyage to the East Indies, and to the Philippines. During this voyage, a Jesuit on board taught him mathematics. In 1716 and 1717, he made a third voyage to the North Sea, and in the following year a fourth to the Levant. In his twentieth year, he entered the service of the French India Company, as second lieutenant in a vessel bound to Surat. In 1722, he was promoted to be first lieutenant, and in that grade made a third voyage to the Indies. He occupied his leisure hours during the passage out in composing a treatise on the masting of vessels. But he had an opportunity of shewing on the return voyage, that he was as daring in action as he was prompt and ready in suggestion. His vessel, the *Bourbon*, on

step of appealing to the Governor of Pondichery. The appeal was most promptly and courteously replied to. The Governor, in the kindest manner, sent an extract from an historical document deposited in the archives of Pondichery, in which the dates of the demise or resignation of the several Governors are recorded. From this it appears, that Martin died at an earlier date than that given in the article on the *Early French in India*, and that it is to his successors, trained in his school, and especially to M. Lenoir, who became, for the first time, Governor in 1721, that the credit ascribed to Martin in page 346 of that article is due. The moral of the narrative is not affected by the alteration. It was in the system established by Martin, and in the men trained in his school, that the natives shewed the confidence which was of such value to the settlement.

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her arrival off the Isle of Bourbon, was in a sinking state and in want of every thing. No ship was in sight, and no aid was procurable from the island. In this extremity, La Bourdonnais proceeded in one of the ship's boats to the Isle of France, to search there for a vessel to render assistance to the *Bourbon*. His search was successful, and the *Bourbon* was, by this daring exploit saved from destruction.

La Bourdonnais had scarcely returned to France, when he found himself under orders to return to the Indies as captain commanding a frigate. During his previous voyages, he had acquired a knowledge of navigation, of carpentering, of everything that related to the construction of a ship, and of gunnery. But in this, under the able instruction of M. Didier, an engineer in the Royal Service, he devoted himself to engineering, and soon become a proficient in that science. On arriving at Pondichery, he was attached to the squadron of M. de Pardaillan, just starting for the conquest of Maihi. It is under the orders of this commodore, hesitating regarding the attack of the place, that we now find him.

The plan which La Bourdonnais submitted to the commodore, was to land the troops on a raft of his own designing, in order of battle, under cover of the fire of the squadron. He pressed also that he might be permitted to lead them himself. M. de Pardaillan, struck with the ingenuity of the plan, and with energy and quickness of decision evinced by the young officer, gave his consent to the scheme. It was carried out almost instantly. The raft was made, the troops were placed upon it, and, piloted by La Bourdonnais, were landed, with dry feet and almost in order of battle, at the foot of the high ground. This difficulty being surmounted, the place was stormed. As an acknowledgement of the skill and enterprise of his young captain, the commodore, by a slight alteration of the letters which went to form the name of the captured town, transformed it from the Indian Maihi or Mahi into the French Mahé,—the first name of La Bourdonnais. This new name not only took root, but it gradually effaced the recollection that the town had ever borne another.*

The order of events, as they occurred at Pondichery, will not allow us to proceed for the present with the career of La Bourdonnais. Him, we shall meet again, a little later on the scene. Meanwhile it will be necessary to advert to the proceedings of one whose influence upon French India was destined to be even

* We are indebted to the Carnatic Chronology of Mr. C. P. Brown, late Madras C. S. for the information regarding the origin of the name 'Mahé.' It was evidently unknown to Mr. Mill, and equally so to the authors of the *Indian Gazetteers*.

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more direct, more commanding, more enduring;—whose brilliant genius all but completed the work which François Martin had begun;—who was indebted for all that he did accomplish to his own unassisted energies; who owed his failure to carry through all his high-soaring designs to that system of universal corruption, which, during the reign of Louis XV. consumed the very vitals of France, ruled in her palaces, and tainted all her public offices. We need scarcely say, that we advert to Joseph François Dupleix.

This illustrious statesman was born at Landrecies, in the province of Flandre, in 1697. His father was a wealthy farmer-general of taxes, and a director of the Company of the Indies. The young Dupleix displayed, at a very early age, a strong passion for the exact sciences, and particularly for mathematics. To the mercantile life, to which his father had destined him, he shewed a decided aversion. To cure him, therefore, of his speculative habit of thought, and to plunge him at once into practical life, the old farmer-general sent the thoughtful and retiring student, then just seventeen, to sea. The result corresponded entirely to his hopes. Dupleix returned from voyages in the Atlantic and Indian Oceans, cured of his love of abstract sciences, anxious to mix with the world, eager to put in force theories he had formed on the subject of commercial enterprise. It was in the power of the delighted father to comply at once with his wishes. Director of the Company of the Indies, and a man of no small importance in the direction, he was able to nominate his son, then only twenty-three, to the second position at Pondichery. This was the office of First Councillor and Military Commissioner of the Superior Council. Dupleix joined his appointments in 1720, and at once began to put in force the theories which had formed the subject of his speculations. He found the colonists absorbed by the contemplation and care of the trade between Europe and Pondichery. His idea was to develope and foster a coasting trade and inland traffic. He desired to open out large schèmes of commercial exchange at the various towns on the coast, and with the large cities in the interior. It did not seem sufficient to him, that Pondichery should be the exporter merely of her own manufactures and the manufactures of the country in the immediate vicinity; he would make her the emporium of the commerce of Southern India. The Government of Pondichery was not pecuniarily in a position, at the outset, to embark in the undertaking, although the Governor, Lenoir, regarded its execution as practicable, and even eminently desirable. But this formed no bar to the prosecution of the plan by Dupleix. On the contrary, private trading

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being permitted by the Company, he was glad of an opportunity of shewing the European residents of Pondichery, who were clerks of the Company, how they might, by legitimate means, enrich themselves. Anything which could give them an independent position, would tend to give them a higher interest in the country and in the prosperity of the settlement. He himself did not scruple to set a bold example, and to embark his fortune in the trade. The results were such as he had anticipated. He speedily realised a very handsome return, and the knowledge of this had more effect than all his theories in inducing his fellow-countrymen to follow in his footsteps.

Since the formation of the Perpetual Company of the Indies, the control of the directors in Paris over their agents in Pondichery had become far more stringent and direct than it had been prior to 1720. Details were interfered with, regarding the proper management of which the Home Government could have no knowledge, and the most arbitrary, and often ill-judged, orders, were issued. These orders led to misunderstandings and dissensions, and it resulted from one of these, M. Lenoir being at the time Governor-General, that in the month of December 1726, Dupleix was suspended from his office by order of the directors. But, though offered a free passage to France, Dupleix determined to await in India the result of an appeal he at once proceeded to make against that decision. At the end of nearly four years, the result he had striven for occurred. The sentence of suspension was removed, (30th September, 1730), and, as a compensation for the injustice he had suffered, he was appointed very soon after Intendant or Director of Chandernagore, a junior officer previously appointed by Lenoir being removed to make way for him. *

From the period of its first occupation in 1676, to the time when Dupleix assumed the Intendantship, Chandernagore had, been regarded as a settlement of very minor importance. Starved by the parent Company in Paris, it had been unable, partly from want of means, and partly also from the want of enterprise on the part of the settlers, to carry on any large commercial operations. The town, as we have seen, † had been fortified in 1688. Lodges, or commercial posts, dependent upon Chandernagore, had also

* In recording the early career of Dupleix, we have followed the account given in the *National Review*, for October, 1862. No. XXX,—an article which by the truth, the candour, and the boldness, with which it attacks pre-established opinion in order to restore the reputation of a much calumniated man, must be regarded as one of the most valuable contributions to Indian History which the present century has given us.

† *Calcutta Review*, No. LXXXII. Art 5.

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been established at Cossim Bazaar, Jougdia, Dacca, Balasore, and Patna. But their operations were of small extent. The long stint of money on the part of the Company of the Indies had had, besides, a most pernicious effect upon the several intendants and their subordinates. The stagnation attendant upon poverty had lasted so long that it had demoralised the community. The members of it had even come to regard stagnation as the natural order of things. It had thus deprived them of energy, of enterprise, of all care for the future. The utmost extent of their efforts was limited to an endeavour to surmount a pressing emergency. That once accomplished, they relapsed at once into the *far niente* mode of life that had become habitual to them. The place itself bore evidence to the same effect. It had a ruined and forlorn appearance; its silent walls were overgrown with jungle; and whilst the swift stream of the Hooghly carried past it Eastern merchandise intended for the rivals who were converting the mud huts of Chuttanutty into the substantial warehouses of old Calcutta, the landing places of Chandernagore were comparatively deserted.

To govern a settlement thus fallen into a state of passive and assenting decrepitude, Dupleix was deputed in 1731. But, decaying and lifeless though he found it, Dupleix regarded its situation with far other feelings than those of anxiety or dismay. He saw, almost at a glance, the capabilities of the place, and, conscious of his own abilities, having tried and proved at Pondichery his ideas regarding the power of trade, he felt that the task of restoring Chandernagore, would, under his system, be comparatively easy. The office of Intendant had for him this great recommendation, that there was something for a man to do, and he felt that he was the man to do it. Little time did he lose in deliberation. He at once set in action the large fortune he had accumulated, and induced others to join in the venture. He bought ships, freighted cargoes, opened communications with the interior, attracted native merchants to the town. Chandernagore soon felt the effect of her master's hand. Even the subordinates, whom he found there, recovering under the influence of his example from their supineness, begged to be allowed to join in the trade. Dupleix had room for all. To some he advanced money, others he took into partnership, all he encouraged. He had not occupied the Intendantship four years, when, in place of the half dozen country boats which, on his arrival, were lying unemployed at the landing-place, he had at sea thirty or forty ships, a number which increased before his departure to seventy-two, engaged in conveying the merchan-

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dise of Bengal, to Surat, to Jeddo, to Mocha, to Bussora, and to China. Nor did he neglect the inland trade. He established commercial relations with some of the principal cities in the interior, and even opened communications with Thibet. Under such a system, Chandernagore speedily recovered from its forlorn condition. From having been the most inconsiderable, it became, in a few years, the most important and flourishing of the European settlements in Bengal. Its revival caused the greatest satisfaction in France. The Government and the directors thoroughly appreciated the advantage of having at the head of the settlement, a man who had such confidence in his own plans, and who cared so little for responsibility, that he never hesitated to advance his own funds for public purposes. Dupleix was always ready to do this, whilst he traded at the same time on his own account. Thus it happened that his fortunes and the fortunes of Chandernagore grew up side by side. If his own gains were great, a comparison of the Chandernagore of 1741 with the Chandernagore of 1731, would have shewn that the gains of the dependency which he governed were certainly not in smaller proportion.

But before we can record the close of this most successful administration, it is necessary that we should refer to other events which were influencing the course of French policy at Pondichery.

M. Lenoir, whose second administration of Pondichery and its dependencies had lasted nine years, was succeeded as Governor-General on the 19th September, 1735, by M. Benôit Dumas, then Governor of the Isles of France and Bourbon. Up to this period, since the death of François Martin, the relative position of Pondichery to the native chieftians in the neighbourhood had but little varied. But with the advent of M. Dumas came the commencement of a new order of things, in no way attributable indeed to the character of that gentleman, but the consequence rather of the character of the events of which the province of the Carnatic was about to become the scene. It is therefore necessary that we should record the events of the government of M. Dumas with some minuteness.

M. Dumas had been a servant of the old Company of the Indies. He had entered the service at the age of seventeen, in the year 1713, and had proceeded direct to Pondichery. Here he displayed so much ability and aptitude, that, five years later, he was made a member of the Supreme Council, and, in June 1721, Attorney General. Transferred thence to the Isles of France and Bourbon as a member of the Supreme Government, and filling there in turn the offices of General Director for the

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Company of the Indies, and of President of the Supreme Council, he was finally appointed Governor of those islands. This position he held till 1735, when he was appointed to succeed M. Lenoir as Governor General of the French possessions in the Indies.* The new governor was a shrewd, calculating, prudent man,—one not given to risk much without having in view a very tangible result; brave, resolute, jealous of the honour of France, thoroughly acquainted with native ways, holding fast by the traditions of François Martin, a lover of peace, and anxious, above all, to extend the French territories in India by smooth means.

M. Dumas, it may be imagined, was just the man to carry out a mild and peaceful policy. Certainly under his sway Pondichery lost nothing of its attractiveness to the independent native rulers. Indeed, almost immediately after his accession to office, a circumstance occurred which served to knit, even more closely, the bonds of friendship that existed between the French and the most powerful of their neighbours,—Dost Ali Khan, Nawab of the Carnatic.

In 1732, Sadutoolla Khan, Nawab of the Carnatic, one of the most enlightened native noblemen of that period, died. His nephew and nearest of kin, Dost Ali, at once assumed the vacant dignity, without however obtaining the sanction of his immediate superior, the Viceroy of the Dekkan. It may have been partly on that account that Dost Ali showed very early a disposition to lean upon European support, and it was not long before he established very intimate relations with the courteous, hospitable, and friendly people who had established themselves at Pondichery. With M. Dumas, in particular, he formed an intimate friendship. Dumas, anxious to turn this to the advantage of the settlement, pressed upon Dost Ali the advisability of procuring for him the permission to coin money,—a permission which had been granted to the English, but, by them, after a short trial, neglected. The Nawab forwarded the request with his own strong recommendations to Delhi, and he succeeded, at the end of 1736, in procuring a Firman issued by Mahomed Shah, and addressed to the Nawab of Arcot, authorising the coinage by the French of the current coin of the realm, in gold and silver; bearing, on one side, the

* The account of the previous services of M. Dumas is taken from the Letters Patent issued by Louis XV., dated the 4th September, 1742, confirming the ennobling of M. Dumas, on the occasion of his return to France.

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stamp of the Mogul, and, on the other, the name of place at which it was coined.*

The advantages which the French derived from this permission were very great indeed. The reputation of the Indo-French money became in a short time so great, that it was the cause of establishing a very profitable trade in bullion. But, in addition, the actual profits were large. The annual amount struck off did not fall short of five or six millions of rupees,† and the profits on the coining of this amount were considered equal to an income of 200,000 rupees annually;—a very great consideration in a settlement, which, like that of Pondichery, was left almost to shift for itself by the directors in Europe.‡

But the intimacy with Dost Ali was productive of more important results. Dost Ali had two sons, of whom the eldest was Sufdur Ali, and several daughters, one of whom was married to his nephew, Mortiz Ali, and another to a more distant relation, Chunda Sahib. Of these, Sufder Ali, whilst he did not altogether share his father's liking for the French, had a very great respect for their power, and especially for the fortifications of Pondichery; Chunda Sahib, on the other hand, carried his admiration for the foreigners to a very high pitch. Alone, perhaps amongst his countrymen, he understood them. Born himself without wealth, but possessing great capacity, considerable energy, and unbounded ambition; brought, moreover, by his marriage with the daughter of Dost Ali, into a position, in which, whilst he dared openly aspire to nothing he might secretly hope for almost anything; yet possessing but a small personal following, and being ever in the presence of relatives whose claims and whose power were superior, and whose ambition was equal, to his own; he had been for a long time sensible that he must look for support beyond the circle of his own family. The position of the French had early attracted him. He appears

* The following is a translation of an extract from the letter addressed on this occasion by Dost Ali to M. Dumas. 'The reputation you have acquired 'of being a true and faithful friend is known everywhere. In the view, 'therefore, to gain your friendship, I grant you permission to coin rupees at 'Pondichery of the coinage of Arcot, conformably to the Purwanah which 'I send you.'

† The French rupee was a little broader than an English shilling, and very much thicker. In point of fineness it was superior to the English standard. The gold coin was called the 'Pagoda,' equal in value to about nine shillings. Three hundred and twenty rupees were considered equal to one hundred Pagodas; hence an Indo-French rupee was worth more than two shillings and nine pence.

‡ As a reward for the success of his negotiations in this matter, M. Dumas was made Knight of the Order of St. Michel, and received Patent Letters of nobility.

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even then to have detected their latent desire to increase their territory. It is certain, at all events, that he took the first opportunity to proffer his aid to bring fresh lands under their rule. That he did this with the view to obtain for himself French support is scarcely to be doubted. Ever since his connexion with Dost Ali, he, of all the native allies of M. Dumas, had been the most frequent visitor at Pondichery, and had attracted, more than any other, the personal regards of the high officials in that city.

It had happened that at the end of the year 1735, the Hindoo Raja of Trichinopoly had died without issue. A contest for power immediately arose between his widow, the Ranee, and a relation of the deceased prince. In her distress, the Ranee appealed to Dost Ali for assistance. The opportunity was too tempting to be foregone. Dost Ali despatched a force, of which his son Sufder Ali was the nominal, his son-in-law Chunda Sahib the real, commander, to take possession of the disputed territories. The kingdom was soon over-run; the capital alone bade defiance to the invaders. Of this, however, Chunda Sahib obtained possession 26th April, 1736, on taking an oath,* that his troops should be employed only in the service of the Ranee. But he kept this oath only until Trinchinopoly was in his power; he then imprisoned the Ranee, and being invested by Sufder-Ali, who returned to Arcot, with plenary powers, he assumed the government, as Lieutenant for his father-in-law. While in that position he continued to maintain intimate relations with the French.

Adjoining Trinchinopoly, lying between it and the Coromandel Coast, lay the Hindoo kingdom of Tanjore. This was bounded on the north side by the river Coleroon, which falls into the sea about thirty miles below Pondichery. Tanjore, one of the conquests of Shahjee, father of the famous Sevajee, had been bestowed in perpetuity by the latter on his brother Venkajee. Venkajee was succeeded by his son Tookajee. This latter, dying in the month of February, 1738, left behind behind him three sons—Baba Sahib and Sahoojee, legitimate, the third, Pertab Singh, the offspring of a concubine. Baba Sahib succeeded to the sovereignty, but died, the same year, without issue. After a short interregnum, during which

* Orme states that the people of the country believed that the Ranee had fallen in love with Chunda Sahib; but the story is improbable. Chunda Sahib may have considered himself free from the responsibility of the oath, because he had taken it upon a brick instead of upon the Koran,—the brick having been wrapped up in the usual covering of the Koran—Vide *Calcutta Review*, No. lxxv. Art. iv.

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Seid Khan, the Mahomedan commandant of Tanjore, raised two candidates only to cause them immediately to disappear,—the surviving legitimate son, Sahoojee, obtained possession of power. But in a very short time Seid Khan brought forward Sidoojee, a pretended cousin of Sahoojee, and endeavoured to effect a revolution in his favour. Suddenly collecting their friends they seized on the palace and on the strong places in Tanjore. Sahoojee had barely time to save himself on horseback. Accompanied by a few friends, he passed the Coleroon, and took refuge in the pagoda, Chillumbrum, a very strongly fortified position about six miles north of the Coleroon, and only twenty-four distant from Pondichery. From this place Sahoojee opened negotiations with M. Dumas. He offered to make over to the French the town of Karical, and the fort of Kircan Gurree, ten villages in the country adjacent, and all the lands depending upon them, if M. Dumas would afford him material aid in the recovery of Tanjore. The offer was the most tempting that could have been made. The French had been long engaged in endeavouring to effect an arrangement which would secure to them a footing in the kingdom of Tanjore, but up to that time they had been thwarted by the jealousy of the Dutch at Negapatam, a settlement a few miles south of Karical. Now, however, all that they desired was offered to them. The risk was but little, for they had but to supply one of the contending parties with material aid to ensure an easy victory. M. Dumas did not hesitate. He at once entered into an engagement with the envoys of Sahoojee, by which he bound himself to supply that prince with a lakh of rupees in silver, to furnish him with arms, gun-powder, and other warlike stores, and to render him all other assistance in his power. In return for this engagement, Sahoojee sent him a formal cession of the town of Karical, of the fort of Kircan Gurree on the river Karical, of the ten villages, and of the lands dependent upon them. In pursuance of this engagement, M. Dumas despatched two ships of war, the *Bourbon* of sixty guns, and the *St. Geran* of forty, with troops, artillery, and warlike stores, to take possession of Karical, and to afford the promised assistance. These ships anchored before Karical in the month of August of that year (1738).

Meanwhile Sahoojee had been using other methods more congenial to him than force. By dint of bribes and promises he had gained over the principal nobility of Tanjore, and amongst them the all powerful Seid. A plan of operations was agreed upon in pursuance of which, the usurper, Sidoojee, was suddenly seized in his palace. Intelligence of this was at once

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despatched to Chillumbrum, and Sahoojee immediately mounting his horse, returned in triumph to Tanjore.

This was the intelligence that greeted the captains of the *Bourbon* and the *St. Geran*, when they anchored in the roads of Karical. It was accompanied by an intimation that the French succours were not wanted; that Karical was occupied by between three and four thousand troops under Khan Sahib, a trusted officer of Sahoojee; and that any attempt to land would be considered as a hostile act, and would be met accordingly. In consequence of this intimation the senior French captain determined to suspend action pending instructions from Pondichery.

But whilst Sahoojee had transmitted instructions of the nature we have recorded to Karical, he had written in a somewhat different strain to M. Dumas. To him he declared his perfect willingness to surrender Karical, but the impossibility of doing so immediately. He was, he said, scarcely secure in his own capital, and he was threatened at the same time by Chunda Sahib from Trinchinopoly. He pointed out the impossibility of surrendering, under such circumstances, resources which were essential to his safety.

These excuses, plausible though they were, did not deceive M. Dumas. Yet there can be no doubt that the slipping from his grasp of this much coveted place just at the moment his hand was closing upon it, was the cause of great mortification and annoyance. He was well aware, at the same time, that with the force in the two ships of war before Karical, it would have been easy to take possession of the place, and that, to a less prudent man, would have been a very great temptation. But M. Dumas' great characteristic was prudence. He would not risk, even for so great a prize, the character gained by the French as a non-aggressive nation. He preferred to wait for the opportunity which he felt sure would, sooner or later, present itself, satisfied that he had made a great step in advance in having secured from the king of Tanjore the legal cession of Karical and its dependencies. He therefore recalled the ships to Pondichery.

The opportunity he waited for soon came. No sooner did the intelligence reach Chunda Sahib that Raja Sahoojee had refused to fulfill his engagement regarding Karical, than it seemed to that astute prince that the moment had arrived for him to cement his alliance with the French. He accordingly wrote to M. Dumas, informing him that he was at war with Sahoojee, and offering to march his own troops upon Karical, to conquer it, and to make it over in full sovereignty, to the French. From

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them he asked no assistance: he would employ, he said, none but his own soldiers.

Chunda Sahib, it will be recollected, was son in-law of Dost Ali, Nawab of the Carnatic, and feudal lord of the territory to the north of the French possessions; he himself, as Dost Ali's lieutenant, held the country on the south-west; that on the south-east alone was held by the Raja of Tanjore. It was clear then that Chunda Sahib's offer to conquer a portion of that Raja's possessions involved no risk to the French; it did not even invoke the suspicion of a greed for territorial extension. It was the offer of a powerful Indian potentate to compel a weaker ruler to adhere to his agreement. M. Dumas then violated no principle of his predecessors' policy by accepting that offer. This he did almost as soon as it was made.

No sooner had Chunda Sahib received this permission to act, than he detached four thousand horse, commanded by Francisco Pereira, a Spaniard in his service, but who was entirely attached to French interests, to Karical. The Tanjore forces receded at their approach, and Pereira arrived at Karical, the 6th February, 1739, without meeting with any opposition. He found, however, the fort of Kircan Gurree, on the river Karical, and about a mile and a half from the town, occupied by about four hundred Tanjoreans. He immediately attacked this fort, and stormed it the same day. He then hastened with the news to Pondichery. M. Dumas, delighted with the prompt success, at once equipped a small vessel of an hundred and fifty tons burden, and despatched her with all the troops and stores she could carry to Karical,—Pereira accompanying them. They reached their destination in four and twenty hours, when Karical, the fort of Kircan Gurree, and the adjacent territory, previously ceded by Sahoojee, were made over to the French by Pereira. This cession bears date the 14th February, 1739. A few days later, on receiving an account of the French occupation, M. Dumas despatched to Karical a ship of war, laden with everything necessary to place the settlement in a state of security.*

The effect of these forcible measures upon Raja Sahoojee was such as might have been expected from a man of his weak and unmanly nature. It completely overawed him. He at once sent messages to Pondichery, casting all the blame of his previous hostile conduct on the evil counsels of the Dutch at Negapatam; stating that he had always intended to cede the

*Full details of these occurrences are given in Guyon's "*Histoire des Indes Orientales*," and in the "*Memoire particulière sur l'acquisition de Karical.*'

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territory at the proper time; and professing his readiness now to execute in full the treaty of Chillumbrum. As a proof of his sincerity, he sent at the same time two instruments, dated the 25th April, 1739, one of which contained a ratification of the former treaty, and the other, an order to the inhabitants of the districts he had yielded, to acknowledge and obey the French in future as their masters. It is probable that the complaisance of Sahoojee in this matter was quickened by the fact that one of the clauses of the treaty of Chillumbrum contained a stipulation for the payment to him of an hundred thousand rupees,—a stipulation which the French, now in possession, might, according to oriental notions, have been inclined to evade. Before, however, his propositions reached Pondichery, a domestic revolution hurled Sahoojee from his throne. But his successor and half-brother, Pertab Singh, not only confirmed the agreement of Chillumbrum, but added to it a greater extent of territory. In a personal interview he held with M. Dumas in the beginning of the year 1741, Pertab Singh even recommended him to fortify the towns in his new possessions. From this date, the district of Karical may be regarded as an integral portion of the French possessions in India.*

But meanwhile events of great importance had occurred. The Mahomedan conquests in the south of India had roused the jealousy of the Mahrattas, and an army of 50,000† men of these famous warriors had assembled under the orders of Ragoojee Bhonsla,—serving under whom, his first campaign, was the afterwards famous Moorarée Rao,—and had marched eastward with the avowed intention of plundering the long untouched Carnatic. But Dost Ali was not prepared to grant them an easy ingress. Learning, towards the end of 1739, that they were approaching by the Damalcherry pass, situated to the north of the river Pone, he at once occupied that strong position with the only troops at his disposal, amounting to about 10,000 men, and sent pressing orders to his son, Sufder

* The ceded districts consisted of the town of Karical, the fortress of Kircan Gurree, ten villages on the sea coast, and a tract of country fifteen or sixteen miles in extent, very fertile in rice, and producing also cotton and indigo, inhabited by ten or twelve thousand people, and yielding a yearly rent of ten thousand pagodas, equal to about £4,500, sterling. The town of Karical, at the time of cession, contained 638 houses of stone and brick, and upwards of 5000 inhabitants. The fortress of Kircan Gurree was about gunshot distance from Karical. Both are on the river Karical, a branch of the Coleroon, navigable for vessels of about 200 tons burden. Karical is 75 miles south of Pondichery and 12 miles north of Negapatam.

† Grant Duff,— History of the Mahrattas.—Captain Duff took the numbers from Mahratta manuscripts; they differ somewhat from those given by Orme and other writers.

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Ali, and to his son-in-law, Chunda Sahib, to hasten to his assistance. But both Sufder Ali and Chunda Sahib were prosecuting their conquests in the south of India, and though they professed their readiness to obey the summons they had received, they moved, especially Chunda Sahib, with slow and unwilling steps. Before they could arrive, the Mahrattas had approached the pass. This, as the most important, was held by Dost Ali in person, but there was a gorge, or opening, to the south of his position, the defence of which he had entrusted to one of his commanders, a Hindoo. This latter allowed himself to be seduced from his allegiance by appeals to his Hindooism, and permitted the Mahratta Army to march through the gorge he was guarding on the night of the 19th May. The Mahrattas, thus secure of their prey, moved swiftly at daybreak next morning on the rear of the position occupied by Dost Ali. This chieftain, noticing the approach of cavalry, imagined that his son, Sufder Ali, had arrived to reinforce him, and he was only undeceived when their movements indicated undisguised hostility. Driven to bay, however, he determined to sell his life dearly. The battle which ensued, was, notwithstanding the disparity of numbers, contested most desperately, and it only terminated when Dost Ali himself and his second son, Hassan Ali, lay dead upon the field, and his first minister, Meer Assud, had been taken prisoner. Almost all the principal officers were killed or trodden under foot by elephants, and the slaughter was unprecedented even in that age. No route could have been more complete.

The account of this defeat spread dismay and consternation in the Carnatic. Sufder Ali, the son of the deceased Nawab, received the news when he had advanced as far as Arcot: he immediately, for greater security, moved at the head of his forces to Vellore, which was better fortified, there to wait the course of events. Chunda Sahib, more dilatory, had not moved beyond the boundary of his satrapy. The intelligence he received determined him to remain within it, and to place its chief city in the best possible state of defence. He returned therefore to Trichinopoly.

On one important matter, however, the two brothers-in-law acted as though they had been inspired by one brain. Regarding the result of the contest with the Mahrattas as extremely uncertain, they bethought them of the protection which the fortifications of Pondichery might be able to offer, and they determined to consign, the one his father's family, the other his own, with all the valuables that could be lightly carried, to the courtesy of M. Dumas.

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That gentleman found himself placed by the result of the battle, in very much the same position, as that in which M. Martin had found himself after the defeat of Shere Khan Lodi by Sevajee. On that occasion, as on this, the Mahrattas had completely defeated the actual rulers of the country,—the allies and protectors of the French. The only difference was, and it was a very material difference, that the Pondichery governed by M. Dumas was far more capable of offering an effective resistance than the infant city under the rule of François Martin. M. Dumas, however, notwithstanding his confidence in the defences of Pondichery, was very well aware of the difficulties of his position, and he prepared to act with his usual prudence and judgment. He greatly strengthened, with all the means at his disposal, the west defences of the place. For fifteen days carts and beasts of burden were seen pouring into Pondichery laden with grain and other stores. M. Dumas superintended himself all the arrangements of procuring and storing grain, and of ordering the defences. No point was neglected; his industry was untiring. At the same time, the natives of the surrounding country, who had anything to lose, poured in in vast numbers, bringing with them their stores and valuables. But other and greater guests were approaching. On the 25th of May, five days after the battle, whilst the preparations we have above alluded to were still progressing, a grand cortege was seen moving towards Pondichery. This proved to be the widow of Dost Ali Khan, with her children, her dependents, her jewels and other property, under the escort of a large body of cavalry. Arriving before the walls, she at once sent a message to the Governor, praying for admission into the city.

None knew better than M. Dumas, that if anything would most certainly draw down upon himself the power of the Mahrattas, and would infallibly induce them to move upon Pondichery, it would be the knowledge of the fact that the city contained within its walls the most valuable property of the late Nawab. It is certain that under any circumstances, the chivalrous feelings natural to a real man, would have incited him to throw wide open the gates to one who was not only a woman, but a woman in distress. But there was no occasion for him to act from mere feeling. It was preferable in his eyes to run the risk of bringing the Mahrattas upon Pondichery, than to undergo the certainty of being dishonoured and contemned throughout India. Sufder Ali also was still unsubdued, and the refusal to admit his mother would undoubtedly make an enemy of one, who had even then the best chance of becoming the feudal lord of the country about Pondichery. However, before replying to the request of the widow

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of Dost Ali, M. Dumas summoned a Council. He told the members that, in his opinion, honour, gratitude, humanity, and policy, all pointed to the admission; he added his reasons, pointed out the risks, and then asked for their opinion. The Council approved his arguments, and a decision was at once arrived at to admit the cavalcade.

This was done with great state and ceremony. The garrison was placed under arms, the ramparts were manned. The governor himself in a magnificent palanquin, and followed by his horse and foot guards, went down to the Valdaour gate. The gate was then thrown open. Immediately there entered, the widow of the Nawab, her daughters and relations, in twenty-two palanquins, followed by fifteen hundred cavalry, eight elephants, three hundred camels, two hundred bullock-carts, and two thousand beasts of burden. The entrance of the principal personage was saluted by a discharge of cannon from the ramparts, and she was conducted by M. Dumas in person to the apartments he had provided her.* A similar hospitable reception was accorded a few days later to the wife and son of Chunda Sahib.† Meanwhile the Mahrattas, taking advantage of their victory, had marched upon Arcot, and had taken it without opposition. Thence also they sent detachments to pillage the country. But though the devastation they caused was ruinous and often wanton, their actual receipts fell far short of their expectations. The inhabitants of the Carnatic had taken advantage of the first rumours of war to remove all their valuables into fortified places. Some had fled to Madras, some to Vellore, some to Pondichery. The consequence was, that though the Mahrattas gleaned every blade of grass, there was but little else to gather, and they were beginning to feel, that looking at it with the eyes of marauders, the campaign had been a failure.

That was a frame of mind which would willingly have listened to offers of payment for retiring from so barren and desolated a country, and such offers they did receive at the proper time. They had liberated Meer Assud, first minister of the deceased Dost Ali, and he, betaking himself to Vellore, prevailed upon his new master to make proposals of peace to the invader. Meer Assud was a bitter enemy of Chunda Sahib, and he had succeeded in imbuing the mind of Sufder Ali with

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* These details are taken from the extracts from the archives of Pondichery given *verbatim* in the Abbé Guyon's work, already referred to.

† Orme states (Vol. I., Book L, page 43) that the wife of Sufder Ali also took refuge in Pondichery, but it appears from the correspondence of M. Dumas with the Mahrattas that she joined her husband at Vellore.

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suspicions as to the designs of his brother-in-law. He had easily convinced him also that the sacrifice of Chunda Sahib would lighten the conditions likely to be imposed upon himself. This being agreed upon as a basis, negotiations were opened, and after a short interval, a treaty was signed in the month of August 1740, by which it was arranged that Sufder Ali should be recognised as Nawab of the Carnatic in place of his father; that he should pay by instalments ten millions of rupees to the Mahrattas; that he should join his troops to those of the Mahrattas to drive Chunda Sahib from Arcot; and that all the Hindoo princes on the Coromandel coast should be reinstated in possession of the places they held prior to 1736. The two last articles, however, were kept secret, and the better to prevent their existence being suspected, the Mahrattas at once retired from the Carnatic.

Some information however, regarding the secret clauses of this treaty reached M. Dumas, and he did not fail to take advantage of it. He had already been threatened by Ragojee Bhonsla, and a correspondence, not tending at all to accommodate matters, had ensued between them. He had been asked to pay tribute, and he had refused; he had been called upon to give up the wife and son of Chunda Sahib with their treasures, he had replied that all the French in India would die first; Pondichery had been threatened with the fate of Bassein, then recently captured by the Mahrattas from the Portuguese, he had answered that if the Bhonsla came against Pondichery, he would try to deserve his esteem by successfully defending it.* In this state of the

* The following are extracts from the correspondence between Ragojee Bhonsla and M. Dumas: From Ragojee Bhonsla. 'Forty years have 'elapsed since our sovereign gave you permission to establish yourselves 'at Pondichery; nevertheless since our army has arrived in these parts, I 'have not received a single letter from you.

'Our sovereign, persuaded that you were deserving of his friendship, 'that the French were people of their word, who would never fail in their 'engagements towards him, made over to you a considerable territory. 'You agreed to pay an annual tribute, which you never have paid. At 'last, after a considerable time, the army of the Mahrattas has arrived in 'these districts. It has beaten the Mussulmans, puffed up with pride, and 'forced them to pay tribute. We need not tell you this news. We have now 'orders from the Maharaja to take possession of the fortresses of Trinchino-'poly and Gingee, and to put garrisons in them. We have also orders to collect 'the tribute due from the European towns on the sea coast. I am obliged to 'obey these orders. When we consider your conduct, and the manner in 'which the king has favoured you, in allowing you to establish your-'selves in his territory, I cannot hinder myself from saying that you are 'wrong in not paying this tribute. We had consideration for you, and you 'have acted against us. You have given refuge to the Moguls in your town. 'Was that well done? Again, Chunda Sahib has left, under your protection,

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correspondence, the intimation he had received regarding the secret clauses was of great importance. He continued, with the same ardour, the repair of the fortifications at the same time that new ones were erected. He formed a body of European infantry 1,200 in number, and supplemented them by four or five thousand Mahomedans, whom he armed and drilled in the European fashion,—the germ of the Sepoy army,—and who were found most useful in performing the routine duties of the garrison. He brought into the town also, all the crews of the ships in the roads, and exercised them in the various operations of land warfare. Stores of all sorts he likewise continued to accumulate.

'the treasure chests of Trinchinopoly and of Tanjore,—the precious 'stones, elephants, horses, and other things of which he possessed him- 'self in those kingdoms, as well as his family,—was that, too, well-done? 'If you wish that we should be friends, you must give up this treasure, 'these jewels, these horses, these elephants, as well as the wife and son of 'Chunda Sahib. I send my cavalry to whom you can make them over. 'If you decline to do so, we shall be compelled to force you to it, as well as 'to the payment of the tribute which you have kept back for forty years.

'You know how we have treated the town of Bassein. My army is very 'numerous, and it wants money for its expenses. If you do not act in 'conformity with my demands, I shall know how to draw from you where- 'with to pay my whole army. Our ships will arrive in a few days. It will 'be better for you to terminate the matter quickly. I rely upon your sending 'me, in conformity with this letter, the wife and son of Chunda Sahib, 'with his elephants, horses, jewels, and treasure."

Extract from the reply of M. Dumas: 'You tell me that we have owed for 'forty years past a tribute to your king. Never has the French Nation 'been subject to any tribute. It would cost me my head, if the king of 'France, my master, were informed that I had consented to pay tribute to 'any one. When the princes of the country gave to the French a piece of 'land on the sands of the seashore, upon which to build a fortress and a 'town, they required no other conditions, but that the pagodas and the 'religion of the people should be unmolested. Although your armies have 'never yet appeared in our neighbourhood, we have always faithfully 'observed these conditions.' * * * * *

'You say that you have orders to take possession of the fortresses of Gingee 'and Trinchinopoly. Well and good, so long as that does not oblige you 'to become our enemy. As many of the Moguls as have been masters here 'have treated the French with friendship and distinction. From them we 'have received only favours. In virtue of this friendship, we have given 'shelter to the widow of the late Nawab, Dost Ali Khan, with all her family. 'Ought we to have shut our gates and leave them in the country? Men of 'honour are incapable of such cowardice. The wife of Chunda Sahib has 'also come hither with her mother and her brother, and the others have 'proceeded to Arcot.

'You have written to me to make over to your horsemen this lady, her 'son, and the riches she has brought here. You, who are a nobleman full of 'bravery and generosity, what would you think of me, if I were capable of 'such baseness? The wife of Chunda Sahib is in Pondichery under the

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Whilst these preparations were going on, the new Nawab, Sufder Ali, accompanied by his brother-in-law, Chunda Sahib, paid a visit to Pondichery. The avowed object was to thank M. Dumas for the protection he had afforded to the female members of their families. None knew better than Sufder Ali, how galling to the Mahrattas had been the knowledge that the families and valuables of his late father and of Chunda Sahib were in safety behind the walls of Pondichery. He was well aware that Ragojee Bhonsla, their leader, had expressed his determination to make the French suffer for their audacity; and he, in common with the other chiefs of the Carnatic, had been struck with admiration at the quietly defiant attitude assumed by M. Dumas. His object in visiting him now, was to thank and to reward him. He was quickened in this also, by a message his mother sent him from Pondichery, desiring to see him. At the same time Chunda Sahib, knowing little of the storm that was brewing against him, after proceeding to Arcot to do homage to his brother-in-law as Nawab of the Carnatic and his liege lord, accompanied him to Pondichery.

There they arrived on the evening of the 1st September, 1740, and were received with great demonstrations of friendship and respect by M. Dumas, in a tent, splendidly adorned and illuminated, without the walls. After resting there some time, Sufdur Ali was conducted to the house which had been set apart for his mother and sisters in the public gardens. Here he remained for two days in mourning and seclusion. On the 4th, Sufder Ali paid a visit of state to M. Dumas. He thanked him repeatedly for the courtesy and hospitality extended to the members of his father's family, at a season of great difficulty and danger; declared that it should never be forgotten, and that henceforth the French should be as much the masters of the Carnatic as he himself was. Although these words were merely the expression of the oriental form of gratitude, and

' protection of the King of France, my master, and all the French in India ' would die rather than deliver her to you. * * * *

' You threaten me finally that if I do not comply with your demands, you ' will send your armies against me and lead them hither yourself. I am ' preparing myself to the utmost of my ability to receive you well, and to ' deserve your esteem, by shewing that I have the honour of commanding the ' bravest nation in the world, who know how to defend themselves with ' intrepidity against those who attack them unjustly. Above all I place my ' confidence in Almighty God, before whom the most powerful armies are like ' the light straw which the wind blows away. I hope He will favour the ' justice of our cause. I have heard what has happened at Bassein, but that ' place was not defended by Frenchmen.'

Mémoire dans les archives de la Compagnie des Indes.

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were doubtless only taken as such, the Nawab had evidently deemed it sound policy on his part to conciliate M. Dumas by some practical proof of his esteem. Simultaneously with the announcement of his arrival at Pondichery, he had delivered to the French Governor a parchment conferring upon him personally lands bordering on the southern territory of Pondichery, bringing in a yearly revenue of ten thousand rupees. This cession was soon afterwards confirmed by a Firman from the Court of Delhi.

After a stay of several days in Pondichery the visitors left, Sufder Ali with his father's family proceeding to Arcot, Chunda Sahib, leaving his wife and family with their jewels in Pondichery, making his way alone to Trinchinopoly. To the immediate fortunes of this chieftain, we must now turn our attention.

That M. Dumas had a strong idea that all danger from the Mahrattas had not passed away, is evident from the fact that even after their departure, he continued to labour at the fortifications and to store supplies. That he had communicated these suspicious to Chunda Sahib, and had induced him on the strength of them, to leave his family and valuables at Pondichery, is extremely probable. Yet, it is certain that Chunda Sahib had no sooner quitted Pondichery than he began to act in a manner entirely inconsistent with the idea that he had any fear of a second Mahratta inroad. During the first invasion, he had taken the precaution to store Trinchinopoly with grain, under the conviction that with ample supplies within the walls, the fortifications were strong enough to keep out the Mahrattas for an indefinite period. But, no sooner had he returned from his visit to Pondichery, than, as though he felt assured of the future, he sold the grain, and so far from thinking that any necessity to defend his own territories could arise, he began to entertain a design of adding to them, and sent for that purpose his brother, Bara Sahib, to Madura. This was in the end of November. An account of the movements of Bara Sahib and the unprovided state of Trinchinopoly was quickly conveyed to Ragojee, who, at the head of his Mahrattas had retired only to Shevagunga, some eighty miles in a southerly direction from the capital. The news was that for which Ragojee had been waiting. Without an hour's loss of time, he assembled his forces, made forced marches upon Trinchinopoly, and sat down before it, before Chunda Sahib had taken any steps to replenish his empty stores.

Nevertheless, though taken by surprise, Chunda Sahib resolved to defend himself with resolution. He had hopes too from his brother, Bara Sahib, and to him accordingly he sent a message

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urging him to march to his relief. Bara Sahib at once complied, and collecting supplies, escorted them, at the head of three thousand horse and seven thousand foot, towards Trinchinopoly. The Mahrattas, however, had knowledge of all his movements, and on his approaching to within about fifteen miles of the city, they detached a superior force,—amounting to about 20,000 men,—to intercept him. A desperate encounter ensued, Bara Sahib fighting with all the energy of despair. A chance shot, however, hurled him from his elephant, and his followers, missing the inspiration of his presence, at once gave way. The body of Bara Sahib, which was found on the field of battle, was carried to the camp before Trinchinopoly, clothed there in rich stuffs, and sent in to Chunda Sahib, to announce to him, as under similar circumstances the head of Asdrubal had announced to Hannibal, the futility of depending upon his brother for aid.

Thus driven to depend upon his own resources, Chunda Sahib nevertheless continued to display unflinching resolution and determined courage. At last, after defending himself for upwards of three months, the trenches having been opened on the 15th December, having exhausted all his money, stores, almost all his ammunition, and having lost some of his best troops, he had no alternative but to surrender. The terms were hard, his life only being secured to him, but they were the best he could obtain. On the 21st of March, he opened the gates of the city, and surrendered himself a prisoner. He was at once sent off under a strong guard to Sattara, and the Mahrattas appointed Moraree Row as their Viceroy of the kingdom, leaving 14,000 men to support him.

Whilst engaged in the siege of Trinchinopoly, Ragojee Bhonsla had not ceased to lavish his threats upon M. Dumas. His demands even increased. They now embraced the immediate payment of 6,000,000 rupees, a regular annual tribute, and the delivery to him of the wife and son of Chunda Sahib, with their elephants, horses, and jewels. To these demands M. Dumas continued to oppose a steady refusal. He took, however, the precaution of despatching a special messenger to the Isles of France and Bourbon, requesting the early transmission of as many men as could be spared thence to re-inforce his garrison. The Mahratta, however, was bent upon intimidating him. In this view, whilst still himself before Trinchinopoly, he detached a force of about 16,000 men to beat up the coast. These marched upon Portonovo, a town about thirty-two miles south of Pondichery, and then used as a depôt by the Dutch, French, and English. This they plundered, though little to the detriment of the French, who had taken the precaution to move the

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greater part of their property within Pondichery. They next moved upon Cudalore, an English settlement twelve miles from Pondichery, which they pillaged. Marching then to within five miles of the French settlement, and halting there, they sent in threatening letters to M. Dumas, detaching small parties at the same time to ravage the country and to collect plunders. At the same time, in pursuance of advices received from the Bhonsla, an expedition was organised on the western coast to attack the French settlement of Mahé.

M. Dumas was not appalled by these letters, nor by the still more threatening visit of one of the chief officers of the Mahratta army, sent to inform him that the fate of Trinchinopoly was reserved for Pondichery. On the contrary, he received this officer with the utmost politeness, shewed him the supplies he had stored up, the guns bristling on the ramparts, the drilled Europeans, the armed Sepoys, hid, in fact, nothing from him. He then calmly informed him, that so long as one Frenchman remained alive, Pondichery would not be evacuated. With reference to the demand of the Mahratta General for tribute, he sent a message to him through the envoy that the territory occupied by the French possessed neither mines of gold nor mines of silver; but that it was rich in iron, and that those who occupied it were ready to use that iron against any assailants. The envoy left immensely impressed with the power and resources of the French settlement, and with the resolute hearing of its Governor.

It happened that on taking his leave, the Mahratta envoy had received from M. Dumas, under the name of cordials, a present of ten bottles of liqueurs. Some of these he made over to his general, Ragojee Bhonsla, and he, in his turn, gave them to his wife, who found them so much to her liking that she insisted upon others being procured, whatever might be the cost. The influence of woman is proverbially powerful. Ragojee was most unwilling, after all his threats, to abate one iota of his demands against Pondichery. Yet the Nantes cordials had given the French an ally against whom he was but a child. These cordials were to be obtained by any means, and it seemed they could only be obtained by friendly communication with M. Dumas. The determination to obtain them led therefore after a good deal of circumlocution to negotiations, which ended finally in a pacification. Ragojee was so charmed by the opportune present of thirty bottles of these cordials, that he soon became disposed to forget all his previous anger against the French. He prohibited any pillaging in the neighbourhood of Pondichery, and he began to listen without anger to the

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reports which were made to him that Pondichery was so strong, that in attacking it they had everything to lose and nothing to gain. He accordingly withdrew his demands for the payment of a sum of money, as tribute, and for the delivering of the family of Chunda Sahib, and retired without any further demonstrations, fortified by cordials, to the western coast.

The expedition against Mahé, to the organisation of which we have alluded, resolved itself into a blockade, which lasted eight months, when it was put an end to by M. de la Bourdonnais in a manner to which we shall presently refer.

The conduct of M. Dumas on this occasion; his bold and resolute refusal to deliver up his guests; the coolness with which he had defied the conqueror of Trinchinopoly; procured him, amongst the nations of Southern India, the reputation of a hero. Congratulations and thanks poured into him from all sides. The Viceroy of the Dekkan, Nizam-ool-Moolk, wrote to him a letter of thanks, couched in terms of the highest respect, and transmitted to him, at the same time, a dress of honour. Sufdur Ali, as a mark of esteem, sent him the armour of his deceased father, richly adorned with gold and precious stones, together with three elephants, several horses, many swords and jewelled weapons, and accompained by a letter carried by his favourite Minister. The Emperor of Delhi, Mahomed Shah, on hearing of this successful resistance to Mahratta presumption, conferred upon M. Dumas the rank and title of Nawab, with the command of 4,500 horsemen, 2,000 of whom he was allowed to keep about his person in time of peace, without being at any charge for their maintenance. On the application of M. Dumas the title and command were declared transferable to his successor.

Shortly before the receipt of these honours, M. Dumas had intimated to his masters his wish to return to his native country. His retirement had been accepted, and Monsieur Joseph François Dupleix, the successful Intendant of Chandernagore, had been nominated to succeed him. M. Dupleix arrived at Pondichery in the month of October 1741, and took at once the oaths as Governor-General, at the same time that he declared himself to be the Mogul's Nawab, and caused himself to be acknowledged as such by the four thousand five hundred horse, of whom his predecessor had held command.

The sketch we have been able to give of the six years' administration of M. Dumas, slight as it is, is yet sufficient to shew that he was no unworthy successor of François Martin. His administration was signalised by the display of tact, prudence, boldness, and skill. He understood the native character thoroughly. So well did he make use of that knowledge, grafted

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as it was on his daring yet prudent nature, that though all his allies were beaten, he managed to reap advantage, in the most legitimate manner, from their misfortunes. So adroit was his conduct, that the territory which he coveted he gained without drawing the sword,—he even accepted it, as a favour to his native friends, instead of asking for it as a benefit to himself. Under his rule, the dominions of the French on the Coromandel coast increased very greatly in extent and value, whilst the prestige of the French power attained, in the eyes of the natives, a height which, even to us who look back at it, appears perfectly astounding. It seemed indeed, when Dumas left Pondichery, that it would be only necessary for his successor to continue the same cautious and prudent, yet daring and acquisitive, policy, to make Pondichery the most powerful and important city in Southern India.

That successor, as we have seen, was Dupleix. We left him last engaged, and successfully engaged, in restoring the credit and fortunes of Chandernagore. This he had succeeded in accomplishing beyond his most sanguine expectations. It could not be expected that, occupying as he had, the position of Intendant or Director General of Chandernagore, nominally under the orders of the Governor and Superior Council of Pondichery, yet practically irresponsible,—daily and hourly forced, in fact, to act upon his own responsibility,—he should have not sometimes run counter to the ideas of his immediate superior. The very promptness of Dupleix's acts must have made them often appear rash and precipitate in the eyes of men of ordinary prudence and caution. Difference of opinion on these points had latterly arisen between himself and M. Dumas, and Dupleix, chafing under a control which he felt to be unwise, and believed to be unauthorised, had requested M. Godeheu, a member of his Council who was returning to Europe, to explain, more fully than he could write, the exact state of affairs. The directors at Paris entered fully into the views of their agent at Chandernagore, from whose daring, yet practical, genius they had so largely benefited, and on the resignation of M. Dumas, they at once appointed Dupleix to the post of Governor-General at Pondichery. Into this he was installed in the month of October 1741.*

* Neither Mr. Orme nor Mr. Mill gives the exact date of the appointment of Dupleix. The writer of the article in the '*National Review*,' and the '*Nouvelle Biographie Générale*' give 1742, but the '*Archives de la Compagnie des Indes*,' referred to in the '*Modern Universal History*,' and by the Abbé Guyon, give the month of October 1741 as the precise date; and this is most probably correct. The fact that Dupleix visited Chandernagore in 1742 may have misled the other authorities.

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He left Chandernagore, which he had found almost a ruin, the most important European settlement in Bengal, possessing two thousand brick houses, an extensive trade, and unsurpassed credit. He had made for himself, by private trade,—a proceeding not only allowed but encouraged by the directors,—an enormous fortune. In the early part of the year in which he was appointed to Pondichery, Dupleix had married the widow of one of his councillors,—Madame Vincent,* a lady who had been born and educated in India, but whose strong yet devoted character and brilliant intellect made her an admirable companion for the far sighted and deep scheming politician. Her proficiency in the native languages rendered her aid invaluable to Dupleix in his confidential dealing with Native princes. She likewise added to that proficiency a quickness of comprehension and zealous devotion to his interests, such as form, when united, an inestimable endowment.

On assuming the government of Pondichery, Dupleix found the settlement suffering from the effects of the Mahratta invasion. These marauding warriors, where they had not eaten up the land, had, by the fact of their presence, prevented its being tilled, and now, the misery of famine had succeeded to the desolation of war. Added to this, the Carnatic was in a condition bordering upon anarchy. Sufder Ali had only rid himself of the anticipated rivalry of Chunda Sahib to fall into the real clutches of Nizam-ool-Moolk, the Viceroy of the Deccan, who loudly called upon him for the arrears of revenue, due by him as a vassal of the Mogul. The fortifications of Pondichery, too, however, formidable they might have appeared to a native power, were quite insufficient for defence against an European enemy, and there were no funds available to enlarge or to repair them, notwithstanding that, even at this date, the rumours of the probability of war between France and England were brought out by each sailing vessel.

But Dupleix was equal to the occasion. Convinced that Pondichery had now attained such a stage of development that it was necessary that her power should be recognised and acknowledged, he at once assumed, with an ostentatious publicity, the dignities that had been conferred upon him by the Mogul, receiving homage from those petty chieftains in the neighbourhood, who were of a lower order of nobility. He at the same time set himself to work to enquire into the causes of the increasing public expenditure, to check corruption among the

* She was the daughter of a M. Albert, a Frenchman. Her mother belonged to the Portuguese family of De Castro.

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subordinate officers of the administration, and to examine the state of the defences. On these several points, with the mode in which they should be remedied, he transmitted full reports to the Company. Having thus set everything in train, he proceeded to Bengal to be installed as Nawab at Chandernagore. When the ceremony, which was conducted with great pomp, was concluded, he went in state to Hooghly for the purpose of paying a visit of respect to the Mahomedan Governor. But this latter, recognising the superior rank of Dupleix, insisted upon making the first visit himself. The honours with which he was received, and the state which he assumed, appear to have made a deep impression upon the natives, prepared as they were to regard with favour everything that was French, and to have rendered his relations with them of a still more intimate and agreeable character.

On his return to Pondichery from these visits, Dupleix at once assumed a greater state than had been indulged in by any of his predecessors. It was a part of his policy to impress upon the native princes in his vicinity that he too was an officer of the Mogul; that he owed his rank to the Emperor of Delhi. He, therefore, would not permit a single sign or symbol, which rightfully belonged to his rank, to be omitted or neglected. Situated at Pondichery far away from the reach of the distracted court of the descendant of Akber, he was able to avail himself of the credit which his position as an officer of that monarch gave him amongst the natives, without in the smallest degree confining his own action, or making any infringement on the duties he owed to his sovereign. He, in fact, was absolute master of the situation, and he simply used the power given him by his title to strengthen and confirm his position.

Just at this moment, whilst engaged in this laudable design, and preparing at the same time to make Pondichery really as impregnable as the natives believed it to be, Dupleix received from the Company one of those strange despatches so often written by narrow-minded officials holding supreme power, to cripple and thwart their more capable agents on the spot. In this despatch, dated the 18th September 1743, he was informed by the directors in Paris, that, in consequence of the approaching prospect of a war between France and England, they were compelled to restrict the number of vessels for India to four, two of which were destined for Pondichery, and two for Bengal; they then proceeded to press upon him, as the greatest and most important service he could render, (1), the reduction of all the expenses in India by at least one-half, and (2), the suspension of all expenditure on account of

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building and fortifications. To carry out this service, they added their belief, 'that this operation cannot be entrusted to better 'hands than yours, whose wisdom and zeal are known. It is 'that which determines it'—the Company,—'to charge you 'alone with the sole execution of this operation, free from 'consulting with the Council regarding it.'

The announcement, in this despatch, that a war with their great European rivals in India and on the seas was impending, and the injunction which accompanied it to spend no money on the fortifications,—the unsatisfactory condition of which was, nevertheless, known to the Company,—must have sounded strange in the ears of Dupleix. Not only were the fortifications in bad order, but on the front facing the sea there was a space of a thousand toises,—nearly a mile and a quarter,— which was absolutely open. Regarding this in connexion with the intimation he had received of the prospect of an European war, in which the enemies of France might obtain the mastery of the Indian seas, he felt that his duty as Governor of Pondichery,—a place for which he was responsible to his sovereign,—was paramount to every other. The orders which he received he therefore boldly disregarded. He caused a solid rampart to be erected along the entire length of the open space, with a broad and deep ditch in its front. On this, night and day, the workmen were employed; yet with all their vigilance, the rampart was not completed until nearly two years after war with England had broken out, and it required the exercise of all the genius and talent of Dupleix to prevent an attack, by a powerful English squadron, on the unfinished defences. The expenses of this undertaking Dupleix supplied by his purse and by his credit. From the same sources he furnished cargoes to the two vessels which, in pursuance of the notification, came out to Pondichery, and which otherwise would have been forced to return empty. The other point, that of reducing the public expenditure, he carried out with a firm hand. The difficulty of his situation in this respect was enhanced by the fact that he alone was entrusted with the execution of the order; that he was thus not only deprived of the support of his Council, but its members might cast obstacles in the way of the carrying out of an order, in which they were so lightly treated. Abuses were put down, corruption was strangled, salaries were reduced, until, in spite of murmurs on all sides, which, however, were not directed against him personally, the necessary reductions were effected.

These proceedings on the part of Dupleix were most agreeable to the Company in Paris. His very disobe-

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dience of their order, in repairing and completing the fortifications of Pondichery, seems to have met with their approval. No wonder, perhaps, considering that the expense of those repairs and of that completion had fallen upon himself. We find them writing to him in a letter, dated the 21st November, 1743, regarding the provision of cargoes for the two ships they had sent out: 'The Company, as you will see by 'this letter, has been very much pleased at the zeal which you 'and the Councils of Pondichery and Chandernagore have 'displayed for its interests in procuring cargoes for our two 'ships, the '*Fleury*' and the '*Brillant*', sent from the Isle of 'France. As it is by your endeavours that this operation was 'completed, it is proper that you, especially, should enjoy the 'honour of it.'

With respect to the fortifications, they wrote, under date the 30th November, 1746:—'The promptitude with which the 'town of Pondichery has been enclosed on the side facing 'the sea, has given us real pleasure; we are under a great 'obligation to you on that account'—for this disobedience of their orders! Further on—'We have not seen with less 'satisfaction all the measures you have taken, both to provide, 'notwithstanding your poverty, cargoes for the ships, the 'sailing of which we had announced to you, and to second 'M. de la Bourdonnais in the operations which he was 'planning.'

But it was before the receipt of this second letter that war between France and England had been declared. This war had been long threatening. The death of the Emperor Charles VI. without male issue, had tempted France, Prussia, and Bavaria, to combine to despoil his heroic daughter of the possessions she had inherited. In this war, the king of England, George II, soon found himself involved as elector of Hanover. Without any declaration of war on the part of England, he had in 1743, transported a combined army of English, Hanoverians, and Hessians, into the valley of the Main, to co-operate with the Austrians. On the 27th June of the same year, when in danger of being compelled to surrender with his whole army to the French General, the Duc de Noailles, the mad impetuosity of the Duc de Grammont not only saved him from that calamity, but enabled him to gain a great victory before even the two nations were professedly at war. But this was too much for the endurance of France, and in the month of March, 1744, she formally declared war against England.

It will thus be seen, that the event which now took place had been long expected, that the breaking out of war had been

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regarded as a mere question of time. We have seen how Dupleix prepared himself to meet those hostilities when they should come. We have now to regard him in a different aspect, to notice how earnestly and indefatigably he strove to ward them off altogether.

When the French Company in Paris intimated to their Governor-General at Pondichery, that war with England was inevitable, they apprised him at the same time that they had instructed the Governor of the Isle of France, M. de la Bourdonnais, to proceed with a squadron to his assistance, but they especially urged upon him to endeavour to bring about a treaty of neutrality with the Governor of the English settlement, and to arrange with him that the commercial operations of both countries with India should continue without molestation from either. Those instructions found Dupleix in the very mood to comply with them, though very little hopeful of success in the negotiation. Of the movements of La Bourdonnais he had no positive knowledge. Even before the declaration of war, the English cruisers had spread themselves over the Indian seas, ready to carry devastation into French commerce. Yet from stray vessels and from other sources, intimation had reached him that a squadron under Commodore Barnet was on its way out, especially charged with the entire destruction of the French settlement.

Nevertheless he made the attempt, earnestly, almost beseechingly. But Mr. Morse, the Governor of Madras, and his Council, had precisely the same reasons for wishing for war, by which Dupleix was influenced in his desire for peace. The squadron under Commodore Barnet was, they well knew, in the Eastern seas, engaged in intercepting the French traders between China and Europe; it was shortly expected, indeed, with its prizes, at Madras; letters had been, some time previously, received announcing its departure from Europe, and those letters contained the instructions for the annihilation of French commerce to which we have just alluded. To the urgent requisition of Dupleix, Mr. Morse pleaded therefore the orders he had received from England.

But another disappointment awaited the French Governor. He had hoped that, should these negotiations fail, he might derive some assistance from the promised squadron of La Bourdonnais. But, just about the time that the unfavourable reply was received from Mr. Morse, intimation also reached him that in obedience to instructions received from Paris, La Bourdonnais had sent back his squadron to France, and was apparently powerless to assist him. Ignorant, as he was then, of the

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undaunted energy and persistent resolution which so eminently characterised the Governor of the Isle of France, Dupleix felt himself at that moment absolutely cast upon his own resources. He had now but himself to depend upon. With a garrison of but 436 Europeans, the fortifications of Pondichery progressing, but not then finished, with but one small ship of war at his disposal, he had to meet the threatened attack of three men of war and a frigate, subsequntly increased to six vessels of war, whose cannon alone, playing upon the unfinished rampart from the roadstead, could demolish, uninjured, the hostile town. Even the one vessel at his disposal he despatched to the Isle of France, with an urgent requisition to La Bourdonnais to come to his aid. This was a situation to test in the most searching manner the capacity of a man. Was it possible, under such circumstances, to escape the threatened danger and even to turn it to his own profit? It did not seem so certainly, yet Dupleix proved that it could be done. It was when the European enemy appeared most threatening, that the policy adopted from the commencement,—the system inaugurated by Martin and carried on by his successors,—the system of treating the natives of India as friends and as equals, bore its natural fruits. From the menaces of Mr. Morse, Dupleix appealed to the friendship of the successor of Shere Khan Lodi and of Dost Ali. The reply he received shewed that the esteem which the Nawabs of the Carnatic had always professed to feel for the representative of the French nation, was no transient or fair weather sentiment. Anwar-oodeen, the representative, though not the relative, of those chieftains, had inherited their traditions; he responded to the call made upon him with a fidelity to professions not always exercised in Europe, and Pondichery was saved. To render the account of subsequent events more clear and intelligible, it is necessary that we should state very briefly the principal events that had occurred in the Carnatic since the time we last left it.

The Carnatic suffering from the famine caused by the invasion of the Mahrattas; Chunda Sahib a prisoner at Sattara; his brother-in-law, Sufdar Ali, Nawab, but pressed by his fendal superior, the Subadar of the Dekkan, for arrears of revenue; such was the condition of the Carnatic in the middle of 1741. It was worse for the people than for the ruler. The people had been plundered and were starving. Sufdur Ali, on the contrary, had had his treasures well guarded at Pondichery. Notwithstanding his professions, he had still abundance of wealth to pay up the arrears demanded by the Subadar. But he did not choose to pay it. The Subadar had not supported his demands by force, and Sufdur Ali was resolved not to yield

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to a mere verbal request. He amused therefore the Subadar with excuses, and, to be prepared for the worst, he took up his residence at Vellore, whilst he deposited his treasures in the custody of the English at Madras.* But a crisis was at hand. The assessment, which the stipulated payment to the Mahrattas had compelled Sufdur Ali to impose upon his nobility, had made him extremely unpopular, and had even caused a combination amongst some of his courtiers to resist it. The unsatisfactory nature of his relations with the Subadar had induced these conspirators to believe, that his overthrow would not be regarded with disfavour in that quarter. Amongst those who had joined this conspiracy, was the other brother-in-law of Sufder Ali, Mortiz Ali by name, a man well known for his cowardice, his cruelty, his wealth, and his parsimony. On the 2nd of September, 1742, this man, taking advantage of the confidence inspired by the contempt which the Nawab felt for him, seized the opportunity of Sufdur Ali being with but few attendants, first to cause him to be poisoned, and that proving ineffectual, to have him stabbed to death. He then proclaimed himself Nawab, and obtaining by artful representations possession of Vellore and acknowledgment from the troops, installed himself at Arcot. But the detestation of his crime combined with the contempt felt for his cowardice to make his tenure of office extremely brief. His principal officers appealed to Morari Rao, Governor of Trinchinopoly, and he declared war against him. The English were requested by the insurgent nobility to protect the family and treasure of Sufdur Ali, whilst the army, the support of his power, suddenly made a tumultuous demand upon him for the payment of their arrears. Mortiz Ali, terrified at these demands, and not possessing spirit equal to his crime, bent before the storm, and disguising himself in woman's clothes, fled in safety to the fort of Vellore. On his flight becoming known, the son of Sufdur Ali, Seid Mahomed Khan, an infant who was with his mother at Madras, was at once proclaimed Nawab.

The appointment of an infant to this position did not tend to the tranquillity of the province. Every nobleman assumed an independent position. But, in the beginning of the following year, Nizam-ool-Mulk, the Subadar of the Deccan, appeared upon the scene at the head of an army of 80,000 horse, and 200,000 foot. He at once became the master of the

* Orme states that he transferred his confidence, in regard to the custody of his family and treasures, from the French to the English on the advice of his Prime Minister, Meer Assud, who suspected the connexion which existed between Chunda Sahib and M. Dupleix. This Meer Assud was the bitter enemy of Chunda Sahib, and the author of all his calamities.

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situation. The upstart noblemen were put down on the threat of being scourged, should they dare to assume the title of Nawab, and one of his chief officers, Khoja Abdalla, was appointed to administer the province. The Subadar than moved upon Trinchinopoly which the Mahrattas evacuated without striking a blow in its defence. Having recovered this principality for the Mogul, he returned to Golconda, taking Khoja Abdalla with him.

It had been intended by the Subadar, that this officer should return to assume the regency of the Carnatic the following year, but on the very eve of starting, he was found dead in his bed. Anwaroodeen, known as a brave and experienced soldier, was appointed to succeed him as governor and guardian to the son of Sufdur Ali.

A few months, however, had not elapsed before, at a wedding to which Mortiz Ali, the murderer of his father, had also been invited, Seid Mahomed Khan was assassinated. In the confusion that followed, Mortiz Ali took to his horse, and escorted by a large body of cavalry, escaped to Vellore. The immediate result was, that Anwaroodeen, who was no relation of the old family, was appointed Nawab of the Carnatic.

This was the man to whom, in the difficult circumstances in which he was placed, the Governor of Pondichery made his appeal. He reminded him of the long standing friendship between his predecessors and the French nation; of the moral support and protection to the families of those predecessors given at the time of the Mahratta invasion; he alluded to the peaceable disposition always shewn by the French; to their desire to be at peace with all around them; and he urged upon the Nawab to prevent, by his authority, the aggression of the other European nation occupying a portion of the seaboard of the Carnatic, upon those who had always been friends to his predecessors, and whose governor was himself an officer and vassal of the Mogul.

Anwaroodeen was not insensible to the force and reason of this appeal. Neither of the European powers on the Coromandel Coast had shewn up to that point any aggressive tendencies, nor had then the superiority of the European soldier in the field been demonstrated in any way. It was natural that he should desire to maintain peace in his jurisdiction and its dependencies, and it is very probable,— indeed subsequent events proved,— that he was not at all insensible to the marks of friendship and cordiality which the rulers of Pondichery had always evinced. He, therefore, sent a pressing message to the governor of Madras, informing him, that he would not permit

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any attack on the possessions of the French on the Coromandel coast. The despotic character of this resolution he endeavoured to soften by a shew of fairness; for he informed Mr. Morse at the same time, that should hereafter the French power preponderate, he would use the same authority to prevent any aggressive action on their part. Mr. Morse had no course but compliance.

But though thus saved from immediate attack, the situation of Dupleix was still particularly trying. The English squadron had come round to the Coast, had even received reinforcements, and the vessels of which it was composed, cruising about, were enabled to intercept and destroy the French merchantmen. The Company of the Indies, even before the outbreak of the war, had ceased to send any ships to Pondichery, so that he was dependent for his intelligence on stray arrivals. At Pondichery too and its neighbourhood, the prestige of France had received a rude shock. It was known everywhere, that, but for the interference of the Nawab, he could have been compelled to succumb to the English, and, as a matter of course, the time-servers and sycophants, of whom there are many in every nation, fell off from him. Still, amid the doubt and despondency that surrounded him, he maintained a bold and resolute bearing. Though within all was anxiety, without these was the security of apparent composure. He was, however, immensely relieved, when, in the month of May, 1746, he learned from a sure source, that the long announced and long despaired of squadron of M. de la Bourdonnais had been heard of at Mahé.

La Bourdonnais was last introduced in these pages as the skilful and enterprising officer who had devised the means by which Mahé,—so named, it will be remembered after himself,—had been captured in 1727. We shall now briefly relate the course of his life during the nineteen years that had elapsed since that first brilliant essay of arms in India. Reduced by the peace, to which France at that period seemed disposed, to inactivity, La Bourdonnais, after the capture of Mahé, fitted out a ship on his own account, and traded for three or four years in the Arabian seas. The ascendancy which he here speedily assumed over all with whom he came into contact, and which especially signalised itself on the occasion of a disturbance, which he succeeded in quelling, between some Portuguese and Arab sailors, in the harbour of Mocha, recommended him to the governor of Goa, and induced that Viceroy to offer him the command of a ship of war under the King of Portugal,—an appointment carrying with it several orders and titles. La Bourdonnais accepted the offer, and made an expedition to

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Mozambique, and several cruises in the Indian seas. But the situation of a foreigner in the service of another country can never be wholly satisfactory, and at the end of two years La Bourdonnais found that the annoyances to which he was constantly subjected did not compensate for either the pleasure or profit of his command. He therefore threw it up and returned in 1733 to France. There he married, and, in 1735, he was appointed to succeed M. Dumas as Governor of the Isles of France and Bourbon.

To understand all that La Bourdonnais accomplished in his new position, it is necessary that we should refer to the connexion of the French with those islands from the time of their earliest occupation. We have already* given a brief sketch of their history from their first discovery by the Portuguese to the occupation of Bourbon by a small number of the baffled colonists of Madagascar in 1672, and the settlement in the Isle of France at some period between 1710 and 1719. It is probable, that the remnants of the Madagascar colonists, never much caring for labour on its own account, would, had they been able, have taken an early opportunity of leaving an island, in which they seemed entirely cut off from association with the outer world. But they had escaped,—a mixed crew of men and women,—the latter, it is stated, being natives,—in two canoes, and they had no means of proceeding in any direction. They betook themselves therefore perforce to the erection of huts, and to the cultivation of articles of food. Fortunately the nature of the soil was such that a very small expenditure of labour was sufficient to enable them to live in comfort and abundance. Soon after, their numbers were increased by the wreck upon their coast of a piratical craft,† on board of which were many female prisoners. By degrees too they were joined by deserters from East Indian ships which touched there. These were for the most part attracted by the easy life which the fertility of the colony enabled its inhabitants to enjoy. The prosperity of the island increased in a greater degree than could be imagined, if the elements of which its society was

* *Calcutta Review*, No. LXXXII. page 326-7.

† It is stated that amongst other additions from various sources, the early inhabitants of Bourbon 'received an increase by some English pirates, 'who came along with Avery, England, Condon, and Pattison, who, after 'acquiring considerable riches in the Red Sea and Coasts of Arabia and 'Persia, quitting their way of life, settled on the Island, and had a pardon 'from the King of France. Some of them were alive in 1763, and 'their descendants are numerous on the island.' Dalrymple's *Oriental Repertory*, Vol. II.

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formed were alone considered. Houses were erected, small trading vessels were built, many of them for piratical purposes, slaves were purchased, and articles fit for export were cultivated. So glowing indeed were the accounts of this prosperity taken home to France, by ships which touched at the island, that towards the close of the seventeenth or the beginning of the eighteenth century, the French Company put in their claim to its possession, and sent thither five or six families and a governor.* The governor was well received at first, but the descendants of the pirates and deserters soon found him an inconvenient incumbrance. They accordingly seized and imprisoned him, and kept him in a dungeon till he died. Their rebellion had no other result. A new governor was sent with orders to punish the ringleaders, and to erect a fort for his protection,—orders which he is stated to have carried out effectually.

In 1717, the population of the island was computed at two thousand nine hundred free men, and eleven hundred slaves. In the following year an event occurred which gave an impetus to its trade, and which assured its future prosperity. This was the introduction of the cultivation of coffee, which thenceforth became the staple trade of the island. Two years prior to this possession had been taken of the deserted Isle of France, although no earnest attempt at colonisation was made before 1721. An edict, dated November of that year, however, decreed the erection of a Provincial Council in that island dependant upon that of Bourbon an in 1723, M. Dumas, Resident of Bourbon, was appointed Governor of both islands. Great inducements were at the same time held out to the inhabitants of Bourbon to emigrate into the larger island. For this purpose grants of land were made to settlers, and sums proportionate to each grant were advanced to each settler by the Company. Yet for several years, it seemed as though the colonisation of the Isle of France was likely to be unprofitable, and that its abandonment was constantly threatened. The colonists had been unable at the expiration of twelve years to set on foot a trade sufficient even to enable them to repay the sums that had been advanced them by the Company. But, in the crisis of the hesitation as to the line of action to be adopted, La Bourdonnais appeared in France. The fame of his skill, his energy, his indomitable resolution, had preceded him, and the Directors resolved to give

* It would appear, however, from the *Calendrier des Isles de France et de Bourbon* that the inhabitants had had a regular succession of Governors of their own since the formation of the settlement. Thus, it is recorded that 'in 1675, Pere Hiacinthe, Capuchin, arrived there in the quality of Curate, 'and took upon himself the right of Governor.'

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one more chance to the new colony, by appointing as Governor-General of the Isles of France and Bourbon, one who had given so many proofs of the possession of great qualities.

La Bourdonnais went there. He found in Bourbon a fertile soil, a healthy air, and, comparatively a settled community. He found the greater part of the Isle of France on the other hand, still covered with almost impenetrable forests; possessing two harbours, one of which at all events, up to that moment unimproved and scarcely safe, might, with a little labour, be made excellent for all purposes; a soil less fertile indeed than that of Bourbon, but still capable of production; and a climate, mild, temperate and healthy. The fact that it possessed a harbour gave to the Isle of France a great superiority in the eyes of La Bourdonnais over Bourbon, and he at once made it the seat of Government.

But the people! Had La Bourdonnais been less of a real man than he was, he might well have been appalled at the task of making anything of a race to whom toil of any sort seemed the worst species of evil. Almost naked, defenceless, and starving, having preferred to be comfortless and miserable rather than to exercise even the small amount of labour, which in such a clime would have amply supplied their necessities; dwelling in wretched cabins; possessing no energy, living in fear of their lives from the attacks of the Maroons—the free descendants of the slaves who had been kidnapped from Madagascar, and who had found a refuge in the interior—endowed apparently merely with the animal love of existence—these so called colonists were yet capable of combining to resist any lawful authority over them. But La Bourdonnais was not a man to be baffled. He taught them, in an hundred instances, that he was resolved to be master. And yet, in doing this, he shewed such tact, he was so gentle while he was determined, his measures were so wise, and the benefits resulting from them so evident to all, that he forced these colonists, even whilst murmuring against him, to admit in their reasonable moods, that he was the wisest, gentlest, and best of governors, the only man who could have induced them to forego their old habits of indolence and sloth.

By his own personal teaching—whether as regarded the merest rudiments or the higher requirements of agriculture,—the first principles of mechanical labour or the acquirements of the skilled artisan,—by constantly impressing on the minds of these people the absolute necessity under which they lay to work, he succeeded before long in forming out of this unpromising raw material a civilised community. Under his influence, some took to planting,

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some to manufacturing, others to soldiering. La Bourdonnais assisted them in many ways. He imported negroes from Madagascar, and employed these as policemen, as cultivators, and as artisans. In a short time the island assumed a new appearance. In place of the uncultivated waste of the interior, and the wretched hovels scattered along the coast, he caused to be built substantial private dwelling houses, magazines, arsenals, barracks, fortifications, mills, quays, canals, and acqueducts. Of these last, one in particular is mentioned, built for the purpose of bringing down fresh water to the port and to the hospitals, as having been three thousand six hundred toises (more than four miles and a quarter) in length. But his greatest efforts were directed to the sea coast. There were, we have seen, two harbours, one on the south-east side of the island, open to the prevailing winds, the other on the north-west side sheltered from the wind, but only to be entered through a narrow channel. On this he bestowed all his efforts, and he very soon made it fit in every respect for the reception of thirty-five or forty ships. He provided it likewise with wet and dry docks, pontoons, canoes, yards, and timber. It was thus as easy to lay up and repair ships at Port Louis, for so he named the capital, as in any port in Europe. In 1737, eighteen months after his arrival, he was able to launch a brigantine; the following year, he built two good ships,* and put another of five hundred tons on the stocks. This however, was but a portion of what he effected in that respect during his Viceroyalty.

His internal administration was equally energetic and judicious. He took very good care that the negroes were not unduly oppressed by the colonists. He compelled the landowners to lay out tapioca plantations, five hundred yards square, for each negro and family serving under them. He encouraged the cultivation of sugar, soon to become a great success, prevented the indiscriminate slaughter of cattle, and until the breed should revive, he forced the ships crews to live upon fish and turtle during their stay in port.

Nor was he less successful in Bourbon, though that island, at the time of his arrival, was further advanced in civilisation than the other. His principal object was to administer the two

* As might have been expected, the first attempts at shipbuilding was not altogether a success. It is related of his first ship, that 'after a great deal of 'trouble, time, and expense in building, she was found so heavy in launching, 'that they were obliged to haul her ashore again, and rip of a great deal of 'timber and put other in her place before she was fit for Sea.' This vessel, the *Insulaire*, was lost, in 1746, in the Ganges, on her way to Chandernagore after the action with Commodore Peyton.

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islands, so that they should be valuable to France, and to make them fit to be the commercial station between France and India. To this end, it was necessary that they should be fortified. Though the means were apparently wanting, La Bourdonnais commenced the work and, in less than five years, he succeeded in providing them with such fortifications as would have rendered any attack upon them extremely hazardous.

In 1740, the death of his wife rendered it necessary for La Bourdonnais to return to France. On his arrival there he found that complaints had preceded him. Cardinal Fleury was then still minister. An honest painstaking economist, with little breadth of view, Fleury had but one principle of external policy. This was the maintenance of peace, especially of peace with England, at any price. It was partly from a fear of giving umbrage to England, partly from his economic habits, that he starved the French Navy, neglected the army, and gave no encouragement to commerce. Such a man could have little sympathy with a genius so fertile, an energy so buoyant, a desire to advance French interests so irrepressible, as were bound together in the person of La Bourdonnais. When therefore some of those repressed speculators, and baffled ship-captains, whose gains and depredations had been lessened by the measures of La Bourdonnais, presented to the Minister and to the Directors of the Company a long list of their grievances, accompanied by insinuations common to their class, that La Bourdonnais was working mainly for his own interests, the narrow mind of the Cardinal did not repel the charges, and, worked upon at the same time by the Directors, he began to concert with them measures for his disgrace. It was the intimation of this, and the consequent desire to justify himself, that brought La Bourdonnais from the the scene of his labours.

Though narrow minded to a degree, Fleury was an honest man. He received this great colonist with marked disfavour at the outset, but he did not remain long proof against the candour and frankness which characterised alike his demeanour and his statements. La Bourdonnais in fact insisted upon being informed of all that had been said against him, and, this done, he had little difficulty, not only in justifying his conduct, but in convincing the Minister and the Directors of the great value of the measures he had accomplished. The personal charges against him dissolved into air. He shewed, in the course of his justification, that he had never possessed a foot of land in the islands; that he had never traded for a single *livre*; and that so great had been the confidence of the colonists in his impartiality, that all the differences in

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the islands had been terminated by his arbitration, without recourse having been had, except in one solitary instance, to a lawsuit.

Released from the charges against him, and reinstated in the confidence of his masters, the fertile mind of La Bourdonnais began at once to resolve fresh schemes. At that time, (1740-41), hostilities between France and England seemed imminent. The two nations had taken opposite sides in the war of the Austrian succession, and it was evident that not all the devices of Fleury would be able much longer to beep back a declaration of war. Under these circumstances, La Bourdonnais foreseeing that that nation which, on the breaking out of the war, should have an overwhelming superiority of force to the other in the Indian seas, would be able to crush its rival, advised that he should be allowed to equip and fit out a squadron of six or eight ships as vessels of war. With these he proposed to sail to the Isle of France, there to await the breaking out of hostilities. On that event occurring, he would be able, he said, to intercept and capture the English merchantmen, and then, steering to India, would ruin the English settlements in that country.

This plan, practical, easy of execution, and, under an unfettered La Bourdonnais, certain of success, was nevertheless too grand in its grasp to commend itself to the timid and cautious policy of the Directors of the French India Company. These therefore declared against it at once. But Fleury, cautious as he was, had too much of the statesman in his composition, not to perceive the immense advantages that might accrue from its successful operation. La Bourdonnais too was on the spot, and La Bourdonnais was careful to point out to him, amongst other arguments, that his consent to the plan did not commit him to any overt act of hostility against England, that the squadron would patiently await in the harbour of Port Louis the first declaration of war. Fleury, convinced by these and similar arguments, gave in to the plan, merely altering some of the details; the opposition of the Directors he for the time silenced.

The alteration in the details of the scheme, as originally proposed, consisted in the idea of substituting at least two ships of the French Navy for those which La Bourdonnais was to fit out. But, in France, in the reign of Louis XV., action seldom followed counsel. When the time came for the squadron to to sail, the two King's ships, with which so much might have been effected, were diverted to some unimportant purpose, and La Bourdonnais found himself reduced to the command of five vessels belonging to the Company. But these would have been sufficient for his purpose, had he been allowed to pursue that

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purpose to its end. They carried a considerable armament,* and they had on board 1200 sailors and 500 soldiers. Yet even amongst these, he had difficulties to contend with. But few of the sailors had ever been at sea, and the soldiers had been but little instructed in military exercises. With both these classes, La Bourdonnais pursued the course he had found so successful with the colonists of the Isle of France. He taught them what their duties were, and he set them himself the best example of doing them. To train them to the various labours likely to devolve upon them, was his constant and unremitting business on the voyage, and to such an extent did he succeed, that the ships which left France on the 5th of April, 1741, manned by landsmen as sailors, and carrying recruits for soldiers, arrived at the Isle of France on the 14th August following, with crews as efficient as those which manned the King's navy, and soldiers as well trained in all their musketry exercises as those who fought at Fontenoy.

It was the sad fate of those heroic men who struggled to establish a French Empire in India, to find their chiefest and most redoubtable enemies in France itself. The genius of Clive, the persistent valour of Coote, and the almost forgotten gallantry of Forde,† might have struggled in vain to overturn a settlement which was based on the solid foundations on which the early rulers of Pondichery had begun to build up a French India, had France herself been true to her struggling children. But the France of Louis XV. more resembled the Medea of the ancient story than the tender and watchful mother. Often did she, 'with her own hands, immolate her 'offspring,' and, failing this, she treated the best and bravest of her sons rather as enemies to be thwarted, baffled, persecuted, and driven to despair, than as men who were devoting all their energies, the every thought of their lives, to increase her dominions. Yes, it was France who was their enemy;—not the France of Napoleon III., jealous of the fame, the rights, the privileges, the comforts, of the meanest of her children:—not the France of the Revolution and of the first Empire, ambitious of glory and of dominion,—but that France of the eighteenth century, which lay bound and gagged and speechless, untaught yet to give out even an inarticulate sound, at the feet of a man, who, shameless and conscienceless himself, cared little what might become of his subjects, provided only that he was

* These ships were the *Fleury* of 56 guns, the *Brillant* and *Aimable* of 50 each, the *Renommée* of 28, and the *Parfaite* of 16.

† Vide Broome's *History of the Bengal Army*. Vol. I pages—215-220.

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permitted to wallow perpetually in all the excesses of the vilest forms of debauchery.

And it was now, that France betrayed her champion. She betrayed the man, who, but for the acts of the rulers of France, would have enjoyed the best opportunity of effectively establishing a French Empire in India, of rooting out every rival. La Bourdonnais had scarcely set sail, when those infamous intriguers and whisperers,—the certain hangers-on of corrupt Governments—began to uplift the voices, which in his presence had remained mute. Amongst the Directors, the cry was raised that this expensive armament was useless for the purposes of France; that it was intended to minister to the ambition of its promoter. They declared that a policy of neutrality in the Indian seas was the only sound policy, and they expressed a conviction that, in case of war, the English would be glad to accede to such an arrangement. From the Directors the cry rose to the ministry. The weak Fleury, then nearly ninety years old, and no longer under the influence of the spell of La Bourdonnais' presence, after a short struggle, gave way to the clamour. In an evil hour for France and for French India, this dispenser under Louis XV of the fortunes of his country, transmitted orders to Labourdonnais to send back his ships to France, 'even though they should have to sail without cargoes.'

Meanwhile, La Bourdonnais, unsuspicious of back-stairs influence, had, as we have seen, arrived at the Isle of France. The intelligence which awaited him there, was of a nature to stimulate all his energies. He received the news, which had some short time before arrived, of the danger which threatened Pondichery from the anticipated attack of Ragojee Bhonsla, and further that the authorities of the Islands, obeying an urgent requisition from M. Dumas, had despatched their garrisons to India. Impressed with the necessity of saving Pondichery at all costs, La Bourdonnais remained only a week at the Isle of France, and sailed then for Pondichery. Arriving their on the 30th September, he found that the tact and skill of M. Dumas had warded off the danger from that settlement, but that Mahé was still beleaguered. Thither, accordingly, to the scene of his early Indian triumphs, he sailed, and arriving there he speedily re-established French ascendency. There being nothing more for him to accomplish in India, he returned to the Isle of France to carry out the scheme he had concerted with Fleury. It was on his return thither, that he experienced the bitter pang which those alone can feel, who, prompted in all their actions by noble and generous sentiments, find themselves restrained and held back

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by men of inferior, even of contemptible, powers. Then for the first time the order reached him to send back his ships to Europe. He knew the full significance of that order; he felt that it was to give up, for the coming war at all events, all hope of French preponderance in India; he felt that it would leave him a powerless spectator of the triumphs of the English,—disarmed and defenceless, perhaps even a prey to their attacks; he felt that it destroyed the hope of his life, the object of all his toil, the certain accomplishment, but for that, of his legitimate ambition. But what was he to do? The order was imperative. He must obey it. With a pang, the bitterness of which few men can have experienced, and which must have been enhanced afterwards by the prompt realisation of all his anticipations, he sent back the fleet. With it however he sent his own resignation, with an earnest prayer that he might be speedily relieved.

Why did he obey? Surely it was not his fault that he did obey. But what cruel destiny was it that was weighing down the fortunes of France? A few favouring gales, a swift sailing ship, an energetic Captain, and the fate of India might have been changed! Scarcely had the first keenness of the disappointment caused by the departure of the fleet been obliterated in the energetic action which now found a vent in the care of the colony, when there arrived at Port Louis a French ship conveying a despatch from the Controller of the Finances and Minister of State, M. Philibert Orry, authorising La Bourdonnais to retain the fleet, and expressing a hope that he had disobeyed his previous instructions. Cardinal Fleury in fact was dying, Orry was virtual Minister, and taking in at once the great importance of La Bourdonnais' schemes, he had sent out this ship and these instructions. Too late, alas! for La Bourdonnais' hopes. The ships had gone, and there was no possibility of recalling them. Too well had he obeyed his Sovereign's order, for the obedience lost him an Empire.

Can we imagine,—some of us perhaps may,—the aggravation of disappointment which this message from the new Minister must have caused? How many it would have utterly crushed! How many it would have driven to despair! But La Bourdonnais was made of a very hard material. He was not proof against all the attacks of fortune, for he too, as we shall have occasion to describe, had his weak side, but this disappointment neither crushed him nor stopped his action. Learning a little later that the Minister and Directors refused to accept his resignation, he calmly resumed his duties as governor of the islands, and began at once to make preparations for a possible future.

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The French Ministry refused to accept the resignation of La Bourdonnais, but they did not immediately send back the ships. They informed him that he possessed all their confidence, and that it was to him they looked to take the Governor-General ship of French India in case of any accident happening to Dupleix. Meanwhile Cardinal Fleury had died (29 January 1743), war had been declared between France and England, and La Bourdonnais saw with pain the great rivals of his nation reaping the field which he had sown to gather.* That English fleet under Commodore Barnet, of which we have already spoken, had come to cruise in the Indian seas, and French merchantmen were picked up in every direction. La Bourdonnais could do nothing to hinder their depredations. As if to add to his perplexities, he, at this time, when utterly powerless himself, received a pressing message from Dupleix, with whom he had been some time in correspondence, begging him to hasten with all the force at his disposal, to the defence of Pondichery.

Then was seen, in full perfection, an example of the truth of the maxim that great difficulties are nothing more than obstacles which a real man may overcome. It would seem impossible that this man, left destitute himself, should have been able to carry assistance to a countryman in distress. But no axiom is more true than this, that nothing is impossible to a brave man,—brave, we mean, not in the narrow view of personal courage, but in its widest and its broadest sense,—brave to bear the reproach, the obloquy, the hatred, the discontent, of his fellow men;—brave to disregard the studied neglect, the insolent glance, the open attacks, of men whom accident has placed higher than himself in the social scale;—brave, still, despite of all, to go on straight to the end he has marked out to himself, despite of jeers and taunts, of open opposition, and secret calumny. It was in that sense that La Bourdonnais was brave, and being thus brave, he conquered the impossible.

What was the impossible? Without ships, without sailors, without an army, the Indian ocean covered by hostile cruisers, with no resources but those which he had made in the colony, he was asked to embark an army, to traverse the Indian Ocean, to avoid or encounter the trained fleet of the enemy, and to relieve the beleaguered Capital of French India. Could he stamp upon the ground, and bring into existence the men, the guns, the material, the ships, that he had not? Did

* 'We are now executing against you', said Commodore Barnet to the captain of a French merchantman he had taken, 'that which M de La Bourdonnais had projected against us.'

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it not seem a very impossibility? Yet undeterred by this seeming, calmly, patiently, steadfastly did La Bourdonnais set to work to accomplish the undertaking.

To succeed in such an attempt it was especially necessary to greatly dare; to throw to the winds all dread of responsibility; to use to the utmost extent the powers at his disposal. La Bourdonnais thus acted. Every ship—and some, despite the English cruisers, did pass that way,—that touched at Port Louis, likely to be suitable for his purpose, he detained. The objections of the captains and of others interested in the vessels he peremptorily silenced. It was unfortunate that, in addition to other difficulties, the islands, owing to an unwonted scarcity caused by a total failure of the crops, were unable to supply sufficient food for the crews; equally so, that a vessel laden with provisions from Europe, the *Saint Geran*, had gone down at the very entrance of the harbour. Such was the scarcity, that the inhabitants of the islands were restricted by an order of the local council to daily rations of one pound of bread or rice for every European and freeman, and a pound and a half of rice for each negro. The necessary requirements for the equipment of the ships, carpenters and smiths and tailors to work upon them, sailors sufficient to man them and soldiers to be conveyed by them, were alike wanting. But La Bourdonnais determined to make what he had not. He himself, carpenter, engineer, tailor, and smith, constructed with his own hands the model of all the articles that were required. Under his own personal superintendence, some men were trained to act as tailors, to cut out and prepare sails; others, as carpenters, busied themselves with gun-carriages, and fitted the vessels to receive them. Some were set to work to prepare materials for building ships, others to put together those materials. Then again the sailors were trained to work together, to serve the guns, to scale walls, to fire at a mark, to use the grappling hook. Finding their number insufficient, he recruited from the negroes, and formed the whole into mixed companies. Working in this way, he soon found himself at the head of a body of men, well taught and well disciplined, and ready to undertake any enterprise he might assign to them.

Nor was he less painstaking and energetic regarding the supply of provisions. He had already detained and had begun to equip five vessels, including a vessel carrying twenty-six guns which had brought him the pressing requisition from Dupleix, when he received intelligence from France that a squadron of five ships had started from L'Orient, and would be with him in October of that year (1745). The arrival of this squadron would

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cause a double strain upon his slender stock of provisions. He therefore arranged that so soon as a ship should be equipped, she should sail at once for the coast of Madagascar, and there lay in supplies of rice and other articles of food that might be procurable. In this way he managed to over-ride that which otherwise would have been an unsurmountable difficulty.

The squadron, promised in October 1745, arrived in January of the following year. It consisted of one ship of war of seventy guns, the *Achille*, and of four unarmed merchantmen. * To arm and equip these latter, and to reconcile their officers to the displacement of their several cargoes, † tasked all his resources. However he succeeded. The armament consisted almost entirely of eight and twelve pounders, a calibre insignificant when compared with that of the guns ordinarily found, even in those days, on board a man of war. Even of these he had an insufficient number, and almost all his improvised fighting ships were pierced for a greater number of guns than they actually carried. However, one by one, partially equipped as they were, they left the island for the rendezvous at Madagascar. When all had taken their departure, he himself, brimful of bright hopes and enthusiasm, set sail to join them. ‡

This was on the 24th March. Scarcely however had he sighted his squadron, when one of these tempests which periodically sweep over the Indian ocean, burst upon him. His ships were driven from their anchoring ground, and for three days were tossed about by the storm. One of them foundered§; the admiral's ship, the *Achille*, lost her three masts, and many of the others suffered equally. At last however they found a safe refuge in the Bay of Antongil on the north-eastern coast of Madagascar. In this bay, lying off a desert island within it, the work of refitting was undertaken. Perhaps never was such a work begun under so many accumulated disadvantages. The island was marshy and insalubrious; the periodical rains had begun;

* LaBourdonnais' expression regarding these vessels runs as follows: "It is proper to observe regarding these vessels that they were very badly off for crews. The *Achille* alone was fitted out as a ship of war. The others were no more armed than simple merchant ships."

† The armament of these vessels necessitated the landing of all the merchandise with which these vessels were laden, to the great loss of the officers.

‡ We subjoin a list of the names of the vessels forming the squadron and their respective armaments. The *Achille* of 70 guns; the *Bourbon* pierced for 42, carrying 34 guns, the *Phenix* pierced for 44, carrying 38 guns; the *Neptune*, pierced for 36, carrying 30 guns; the *Saint Louis*, pierced for 36, carrying 26 guns; the *Lys* pierced for 36, carrying 24 guns, the *Duc d'Orleans* pierced for 36, carrying 24 guns, the *Renommée* pierced for 28, carrying 24 guns; and the *Insulaire* of 30, carrying 20 guns.

§ The *Neptune des Indes* of 34 guns, not included in the above list.

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the ships had suffered fearfully, and their crews were knocked up by fatigue. There was no landing place; the forest whence wood was to be procured, was on the mainland upwards of two miles distant; between it and the shore, was a marsh three miles in circumference; a winding river with sufficient water to render the frequent crossing it wearisome, but not sufficient to float the logs down to the sea; and, even when in the sea, they were yet three miles from the shipping. But these difficulties, great as they were, were all overcome. He built a quay of the stone which the island produced, he erected workshops for the construction of masts, ropes, and other appliances; he threw a road across the marsh; he caused the logs to be dragged along the bed of the river, and constructing rude canoes, he launched them at its mouth, and by their aid paddled the logs to the side of the disabled vessels To choose these logs, he penetrated into the pestilential forests, in order that he might be sure that he had the advantage of the best species of wood procurable. His example stimulated the whole fleet. Those who, at first, had been inclined to shew discontent, could not long resist his magic influence. But a short time elapsed before all worked with an energy of which before they had scarcely seemed capable. At the end of forty-eight days they had repaired every damage, though at a loss, from climate and exposure, of ninety-five Europeans and thirty-three negroes. The fleet however was saved, and was once more ready to sail for the long wished for goal.

At length, on the 1st of June, it started. It consisted now of but nine ships. Besides the *Achille* of seventy guns, one vessel carried thirty-eight guns, one thirty-four guns, one thirty guns, one twenty-six, three twenty four and one twenty guns. He had on board 3342 men, of whom nearly one fourth were Africans. Sailing with a fair wind, constantly exercising and encouraging his crews, La Bourdonnais arrived off Mahé at the end of the month. Here he learned that the English fleet had been last heard off Negapatam, below Karical; that though inferior in the number of ships, and slightly inferior in the number of crews, it was much superior in weight of metal, being armed with 24 pounders, and that it was waiting at Negapatam to intercept him. Summoning his captains on board his ship, La Bourdonnais at once held a Council of war. He was resolved to fight, but he wished first to test the temper of his subordinates. To his delight he found in them an eagerness almost equal to his own, a desire to gain, if possible, the empire of India on the sea. His mind entirely at ease on this point, he altered his course, and a few days later arrived off Trincomalee.

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It is time now that we should turn to the proceedings of the English fleet. We left Commodore Barnet, prevented by the interdiction of the Nawab Anwaroodeen from attacking Pondichery, reduced to the necessity of confining his operations to sea. Taking up a position at Mergui, near the entrance of the Malacca Straits, he had employed himself industriously in intercepting French traders, and in effectively stopping French commerce. Hearing some rumours in the early part of 1746 of the intended expedition of La Bourdonnais, he had returned to the Coromandel Coast, and anchored off Fort St. David. Here in the month of April he died, and the command of the squadron devolved upon Commodore Peyton.

This squadron consisted of one ship of sixty guns, three of fifty, one of forty, and one of twenty guns, six ships in all. * But they carried mostly twenty-four pounders, and were armed with their full complement of guns. A judicious commander would have been able, with such a force, to cause terrible destruction amongst the lightly armed vessels of La Bourdonnais.

Intelligence had been conveyed to Commodore Peyton of the appearance of a French fleet off Ceylon, and he was cruising off Negapatam to intercept it. Early on the morning of the 6th July it was descried. The discovery was made about the same time on board the French vessels, and the hostile squadrons began at once to manœuvre, the English to preserve the advantage of the wind, the French to gain it. La Bourdonnais, knowing his inferiority in weight of metal, and his superiority in men, had felt that his only chance of success lay in a hand to hand encounter, and his great object was to board. But the skill of Commodore Peyton, who divined his enemy's object, defeated this intention, and at half past four o'clock in the afternoon that officer had gained a position which enabled him to open fire at a safe distance on the French.

This distance was all in favour of the English. With their twenty-four pounders they inflicted great damage amongst the French ships, which these latter, with their eight and twelve pounders and musketry, were very partially able to repay. Three of their ships were disabled at the beginning of the action,—one indeed

* Subjoined are the names of the vessels and their commanders:
The Medway, Commodore Peyton, 60 guns.
The Preston, Captain Lord Northesk, 50 guns.
The Harwich, Captain Carteret, 50 guns.
The Winchester, Captain Lord T. Bertie, 50 guns.
The Medway's Prize, Captain Griffith, 40 guns.
The Lively, Captain Stevens, 20 guns.
The total number of the crews amounted to 1660 men.

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completely dismasted,—and had not La Bourdonnais, coming up with the *Achille*, the only ship of his squadron that carried its proper complement of heavy guns, drawn upon himself for half an hour the whole fire of the English, the squadron could not have escaped defeat. As it was, night separated the combatants before a decisive advantage had been gained on either side.

Day broke shewing the French squadron formed in line, the advantage of the wind still being, as on the previous day, with the English. It rested with the latter therefore whether the contest should be renewed. There were very many weighty reasons in favour of prompt and vigorous action. The English had had but sixty men killed and wounded* the previous day, and one only of their ships had received any considerable damage from the enemy's fire; they were all ships of war; eight of the French ships were but imperfectly and lightly armed; the English fleet had been stationed off Negapatam to obstruct the advance of the French fleet; to abandon the field therefore was to leave Madras a prey to the enemy.

But in 1746, the English were not accustomed to regard the empire of the seas as their own. Some of those on board that squadron might easily have recollected the time when the English channel had been scoured for weeks, unopposed, by the victorious fleet of de Tourville,—the English fleet having sought refuge in the Thames.† Certain it is, that Commodore Peyton acted as English commodores of the time of the revolutionary war never would have thought of acting. Because one of his ships was leaky he deemed the attack too hazardous to be made. A council of war having confirmed this view, he made sail to the south, bound for Trincomalee, leaving the way open to Pondichery—deserting that Madras which he had been sent to protect.

If‡ La Bourdonnais was relieved by the departure of his enemy, he did not shew it. On the contrary he made an appearance of pursuing the English. But it was only an appearance. He

* The English lost fourteen men killed and forty-six wounded: the French, twenty-seven killed and fifty-three wounded.

† After the battle off Beachy Head, 30th June, 1690.

‡ La Bourdonnais states in his memoirs that it was with extreme regret he saw the English escape him. He adds, that being without provisions and having on board a great number of sick and wounded, he was constrained to renounce their pursuit. In his letter to Dupleix, however, he says nothing about the disappearance of the English, but writes thus. 'The 'fear of missing Pondichery, the large amount of money for you on board, 'and, more than that, the scarcity of food, of which many ships had only 'four and twenty hours supply, made me contemplate the frightful situation 'in which I should be, if I were to fall to the leeward of the place; this 'determined me to bear up for Pondichery.'

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must, in reality, have been greatly relieved by their sheering off. He had expended a great portion of his ammunition, he had provisions but for twenty-four hours longer. The disappearance of the English left him free to accomplish his object. His dismasted ship, the *Insulaire*, he ordered to Bengal to be repaired; then quickly collecting the remainder of his squadron, he resumed almost immediately his northerly course, and on the following evening cast anchor in the Pondichery roads.

One portion of his seemingly impossible task had thus been accomplished. Pondichery was safe, the French fleet mistress of the Indian seas, Madras uncovered. The positions of the contending rivals had been exactly reversed. It would now be for the French to threaten, for the English to sue for neutrality. What will be the result? Will the Nawab of the Carnatic, standing neutral between the contending parties, extend to the English the same protection he had accorded to their rivals? If not, it would seem as though their case were almost desperate. Abandoned by their fleet, with but three hundred Europeans within its walls, Madras presented far fewer means of defence than Pondichery. Governor Morse too was neither a Dumas nor a Dupleix. On the other hand, the French had at their head two masters, both men of genius, of energy, of ambition; the one a master in council, an adept at statecraft, skilled in all the wiles of a subtle policy, but himself unacquainted with war and its details: the other a man, great in action and prompt in council, accustomed to command, accustomed to see his will obeyed, to bear down every obstacle; but whether equally fitted to carry out the will of another, as yet unproved. The uncertainty in this respect formed the only cloud in the horizon of the fortunes of French India. Will the active genius, who has 'conquered 'the impossible,' who, by the sheer force of his will, has created the soldiers and the sailors, the ships and the guns, wherewith he has relieved Pondichery, will he now subordinate that will to the will of another man, his superior in position, but whom he has as yet only heard of as a successful trader? Up to the moment of casting anchor at Pondichery not a shadow of a contest had arisen. Hitherto each had acted independently of the other. The communications between the two Governors had been most friendly. 'The honour of success', wrote Dupleix in the early part of the year, 'will be 'yours, and I shall hold myself lucky in contributing there-'to through means that owe their value entirely to your 'skill.' 'We ought,' wrote La Bourdonnais on his side, 'to

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'regard one another as equally interested in the progress of 'events, and to work in concert. For my part, Sir, I devote 'myself to you beforehand, and I swear to you a perfect 'confidence.' But circumstances had altered. Success had now been attained; the two men were about for the first time to come in contact. Which of them was to take the lead? It was in the chance of some disagreement between those strong natures, both accustomed to command, that lay the best chance for Governor Morse and Madras.

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ART. VII.—*A Vindication of the Marquis of Dalhousie's Indian Administration. By Sir Charles Jackson. Smith Elder and Co., Cornhill.* 1865.

ON previous occasions this Review has come forward to discharge a duty to India in considering the principles and details of Lord Dalhousie's celebrated tenure of office. His pacification of the Punjab, his conquest of Pegu, his internal administration, have all been discussed and described, by more pens than one, both when his fame was at its zenith, and when it was unjustly and indiscriminately assailed during the not unnatural reaction caused by the mutiny. The timely appearance of Sir Charles Jackson's work again invites us to consider several salient points in a rule which all thinking men admit to have been, for good or evil, one of the most important in the splendid catalogue of Proconsular Histories. In many respects Sir Charles Jackson is excellently fitted for the task he has undertaken. He is an English lawyer and an English gentleman. He is not bound by the traditions of office, or by any of those class prejudices which are supposed to limit the view, or to distort the judgment, of men who have served the State with distinction in the Civil and Military Services. As a Judge he has been accustomed to weigh evidence, to reconcile conflicting statements, to analyse motives, to eschew extravagance of statement, and to present his matured conclusions, for the criticism of the public, in the seemly and dispassionate language of the Bench. As Advocate General, and as member, first of the Supreme, and then of the old Legislative Council, he has had good opportunities of gaining some insight into the actual working of our system of Government, and of fairly estimating the difficulties and trials under which the remarkable problem of the Government of hundreds of millions of Asiatics by one or two hundred thousands of Englishmen is enunciated and solved. He was a frank and earnest debater, a diligent advocate, and an upright and esteemed Judge. The work before us, is, consequently, an exemplification of all the sound qualities which its author displayed in his Indian career. There is no rhetorical appeal to the passions. There is no laboured exhibition of sentiment. Opponents are not denounced

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in the language of extravagance. Lord Dalhousie is not worshipped in the language of adulation. The work, from beginning to end, is eminently impartial and fair. Evidence is quoted for every conclusion: original authorities are duly set forth; the flagrant errors of Lord Dalhousie's detractors are quietly exposed: a judicial severity of reprobation is exhibited towards some writers, who have denounced Lord Dalhousie as if he had been a Yorkshire horse-jockey or a London pick-pocket, and this vindication seems to us as complete and satisfactory as if it had been that of the author still seated on the Bench of the Supreme or the High Court, and delivering a judgment in a case of a disputed succession to a Mahomedan Principality or a Hindu Raj.

We do not intend to follow the practice which has so long received the sanction of unrivalled critics like Macaulay, and which is adopted by every writer who has views and opinions of his own. That is to say we do not mean to dismiss Sir Charles Jackson with a brief flourish of trumpets, and then to set up a fresh vindication of our own in which the author reviewed shall be quietly put on the shelf with his own law books. On the contrary, we invite the reader to go, in company with us, through the nine or ten chapters, in which every grave charge and every outburst of malice against the great Pro-consul is deliberately sifted and exposed. We shall deal, as Sir Charles Jackson has dealt with them, with annexations by lapse, and with annexations for misgovernment, with the claims of the Nagpore Ranees, and with the Raj of Tanjore, with the Inam Resumptions of Bombay, and with the monster of Bithoor.

The first subject which Sir Charles Jackson treats at length is entitled Annexation by lapse, and under this head he very properly groups together the acquisitions of Nagpore and of Sumbhulpore, of Sattara, and of Jhansi. Several writers, amongst whom we are very sorry to include such an historian as Mr. Kaye, have assailed Lord Dalhousie as the inventor of a new policy, that of lapse, which is said to be more dreaded by the natives than conquest or invasion, and which, not content with injuring a ruler in his lifetime, pursues him beyond the grave to the confines of another and a mysterious world. As a Lawyer accustomed to consider familiarly, in all its aspects, the well known Hindoo doctrine of adoption, Sir Charles Jackson doubts the existence of any such feeling of terror; and so do we. That only a son delivers his father from the hell known as that of *put*, that the existence of a son is deemed necessary to eternal salvation, and that a son by adoption is every whit as good, for these and other purposes, as a son born of the body, are all

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well known Hindoo doctrines accepted in our Courts. But nothing that Lord Dalhousie ever said or wrote, in any way affected the value of mere acts of adoption as spiritual acts, tending to the good of the soul of the deceased. To deny the right to succeed to a Principality was surely not to deny the validity of the adoption itself. In several instances the right to succeed to the personal property and effects of the adopting father, and the status of adoption, were distinctly recognised. In the most striking example of these politic and just refusals, that of the Nana, we never for a moment understood Dhundhoo Punt was less considered the son of Baji Rao, because his preposterous and impudent claim to the pension of his adopting father was summarily rejected. But one of the most telling point, in Sir Charles Jackson's chapter on Lapses, is, that he shows clearly, what all well informed Indian readers knew before, that neither in the case of Nagpore nor in that of Sumbhulpore, was any adoption even proposed. The last Raja of Sumbhulpore, to our certain knowledge, had, further, in his lifetime expressly intimated his wish that, the British Government *should take possession of his principality, and should provide for his Ranees.* Several of the inhabitants of Nagpore, not unmindful of the beneficent administration of Sir Richard Jenkins, whom they still worship as Dunkin Saheb, actually came up in a body to Calcutta at the time of the late Raja's decease, and impatiently enquired when their country was to pass under the Company's rule. It is true that the Resident at Nagpore, Mr. C. G. Mansel, a man of undoubted ability but of extensive crotchets, while he graphically described the low habits and avaricious cruelty of the last ruler, did endeavour to persuade the Supreme Government to *re-produce* a ruler of the same cast of character in the person of a minor, a relation of the Raja on the female side. We use this expression deliberately, because Indian rulers may be broadly divided into two classes. There is the vigorous, despotic, and unscrupulons soldier who fights his way up to supremacy, maintains order in the provinces, quells disaffection amongst the soldiery, and puts down conspiracies in the Court. And there is the youth, who is born in the purple, whose character is made up of voluptuousness without elegance, and of cruelty which ensures him no respect, who insults ancient and venerable ministers, and whose sole companions are fiddlers, courtesans, and buffoons. To which class the youth selected by the unkind philanthropy of the Resident would have belonged, we can have very little doubt. The justice of Lord Dalhousie's proceedings, failing adoption, being thus placed beyond question in the matter of both Nagpore and its dependency Sumbhulpore,

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the only point left to consider is that of political expediency. Here we do not think that the Indian public has had any difficulty in coming to a conclusion. Neither by antiquity, lofty descent, or fidelity to the British Government, had the House of Nagpore any claims whatever to our consideration. As the cotton field of India, it was especially to be desired for the benefit of Manchester, if for nothing else. Its absorption extinguished another of the great Military Powers of the East. It joined Orissa on one side with Candeish on the other. It isolated the Nizam. It encouraged our trade while it consolidated our power. But we are not content with vindicating the strict justice as well as the wise policy of Lord Dalhousie in this respect. We may lawfully carry the war into the enemy's country, and ask how, with this undefinable dread of lapse, with this asserted preference for a native over an European administration, with grudges, as we are told, to requite, with insults as we are reminded, to avenge, and with independence to strike for, the vast territory of Nagpore remained in almost in unbroken peace and quiet during the whole of 1857. If the arguments usually employed against Lord Dalhousie for his policy towards this great Maratta House have any foundation in fact, the Residency near Seetabuldee should have been another Lucknow. Lord Clyde or Sir Hugh Rose should have massed large bodies of troops, and planned vast campaigns, in the very heart of India: Mr. G. Plowden should never have kept open the telegraphic communication between Bombay and Calcutta; and instead of tranquillity purchased by the exhibition of a six pounder or two, and the hanging of a mutineer, we should have had the well known scenes of slaughter and outrage followed by the bayonets of avenging Highlanders, and the broadswords of infuriated Dragoons. There is, unluckily for the vilifiers of Lord Dalhousie, something like proving too much; and there is a well known French story of the dilemma created by arguments which tend to one direction, while all the ugly and inconvenient facts tend exactly to the other.

But the strangest doctrine which philanthropists, and even high minded, experienced, and practical administrators have constantly urged against annexation, is somewhat as follows. We are obliged to put the doctrine as we have collected it from various Minutes and desultory writings, but if it means anything, it means exactly what we are going to say. Intervening Principalities and independent States, it is gravely propounded, are really useful, because they draw off from our settled provinces the scum and dregs of the native population. They afford a scope for the talents of those 'turbulent spirits'

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whom the peculiar, inconvenient, and straight-laced notions of our administrators would prevent from climbing to eminence in a province conducted on the purely British maxims of even-handed justice and incorruptibility. And, with their declining agriculture, their impeded commerce, and their occasional revolutions, they afford, by their contrast with the dead level of British uniformity and progress, a spectacle, which, to well wishers of the British Power, cannot be other than gratifying and instructive. A native State is, then, to be the *colluvies et sentina gentium*. A native ruler is to stand forth as the naughty boy, as the drunken Helot, who is to teach the good boy, brought up under British training, exactly what he ought *not* to do. For professed moralists this is really the most immoral and selfish doctrine we have ever heard!

There is another argument occasionally employed by the same class of reasoners to the effect that, 'natives prefer their own rulers to the British Government.' Now we are not going to propound a theory as extravagant in one sense as that we have been just condemning, and to assert that every phase and characteristic of our policy must charm the heart, while they subdue the reason, of all classes of natives. On the contrary, we have long admitted that there are many things which must shock and horrify others in the native community besides the Dacoit, the Thug, and the fraudulent and successful scoundrel, whose feelings or propensities no one need take into consideration. But, for all that, we are here in India to put down crime, to set justice against privilege, to teach all classes that merit and perseverance, and not favour and corruption, are the steps to eminence, to sap unintentionally the foundations of many an old superstition, to over-ride unreasonable prejudices when they stand in the way of real progress and reform. We must infuse into our actions as much tenderness and consideration as possible. We may feel certain that we are looked on with awe and reverence, but not with love. But we have no business in this country if we palter with our consciences, and if we do not set what we consider conducive to the moral and the material benefit of the greatest number, above all efforts at conciliation, and all attempts to uphold the exploded faith and the decaying privileges of particular classes and sects.

The cases of Sattara and Jhansi are not precisely identical with those of Nagpore and Sumbhulpore. The rulers of both these states did adopt sons in the persons of distant relatives. But Sir Charles Jackson shows conclusively from the records of Government, as well as from the writings of his opponents, that the law 'which requires the sanction of Government for

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the adoption of a son, is applicable to all persons holding 'tenures under Government, such as Jagheerdars, Wuttundars 'and Inamdars, as *well as dependent Princes.*' The prevalence and validity of such a custom was broadly admitted by Sir George Clerk, the most distinguished supporter of the integrity of Native States. In 1835 and again in 1838, in the case of Jhansi, the Government of India, long before Lord Dalhousie's time, had deliberately refused to acknowledge the adoption made by a dying Raja. In 1841 the same course was followed with the petty state of Angria's Colaba, so called from the famous Pirate Tullagee Angria, and situated about twenty miles from the Harbour of Bombay. In 1843 this terrible doctrine of lapse was applied to the petty state of Mandavee, and sundry Jaghires, which, every one knows, are life tenures, were repeatedly escheated and were not re-created on the mere payment of a nuzzur. With regard to political expediency, there was every reason why a well known and thoroughly understood doctrine should be put in operation. The state of Jhansi with Jaloun had been frightfully mismanaged in the time of Lord Auckland. A former Raja of Sattara had been, by us, dethroned and exiled. The position of Sattara, separating Poona from Belgaum, was a source of confusion and weakness and not of strength. Viewed in every possible light, by the paramount claims of the misgoverned population, by the misconduct of their rulers, by their geographical position, or by the doctrines of pure legality and justice, the absorption of these four states will, we are confident, stand the impartial trial of history, when misrepresentation shall be no longer an object of party.

Sir Charles Jackson has thought it necessary to vindicate Lord Dalhousie's memory from an aspersion cast on it by Mr. Kaye, because the Governor-General had some doubts whether the little Rajpoot state of Kerowlie should not be annexed. We feel almost tempted to exclaim, that the vindication was needless.

Non tali auxilio, nec defensoribus istis
Tempus eget;

The history of this case is however amusing, as well as instructive, for those who have heard that Lord Dalhousie was ever ready, like any ogre, to swallow up every principality, great or small, of which the ruler demised without heirs male of the body! The Raja died in July 1852, and had proposed the adoption of a boy named Bhurt Pal, which proposal received the concurrence of the Agent, Col. Low. Lord Dalhousie, so far from being eager to enforce his favourite doctrine in the case of this principality, and to commence a career of annexation which would spare neither the sandy desert of Bikaneer, nor the

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beautiful palaces of Ajmere, nor the unequalled traditions of Oodeypore, was the first to dwell on the comparative antiquity of Kerowlie, on the feelings of the Rajpoots, and on the impolicy of creating alarm in the minds of rulers of the still older and more powerful states. This is pretty well for a statesman who, we are now told, did not thoroughly understand 'the vital differences between the various races inhabiting the great Continent of India.' To our thinking, the extract from Lord Dalhousie's minute, quoted by Sir Charles Jackson and apparently ignored by Mr. Kaye, shows that Lord Dalhousie had a clear idea of the difference between a descendant of the robber Sevagee, and a representative of the blue blood of the Rajpoots, as he must have had of the distinction between a Selkirk Souter and a Highland cattle-lifter, or between the Macgregor and Baillie Nicol Jarvie. The sequel of this case is curious. Lord Dalhousie, admitting that, in this one instance, the argument preponderated in favour of lapse, but evidently not having set his heart on annexation, quietly referred the matter to the Court of Directors. Before the decision of the Court could reach India, another Agent had succeeded to Col. Low, and another claimant, Muddun Pal, had come forward to dispute the claim of Bhurt Pal. The Agent was the chivalrous and high-minded Sir Henry Lawrence, and he recommended that the claims of the adopted son should be disallowed, and that those of Muddun Pal should be recognised! This was accordingly done, and the only *harm* produced by the delay of a reference to England, was, that the state obtained a rightful ruler instead of one, the validity of whose adoption, as Mr. Kaye admits, the people themselves doubted. On what authority Mr. Kaye sketches an alarming picture of the discontent and doubt which prevailed in the minds of this Rajpoot Princes while the case of Kerowile was under reference, we know not. At that very time, 1852-53, we were in a situation accurately to estimate the feelings and anxieties of every dependent, independent, or Tributary ruler in India, as far as they could be expounded by British Residents and Agents at their Courts, and we are in a position to declare confidently that no such serious alarm was a ever felt in Marwar or Meywar. If, as Mr. Kaye writes, the Rajpoot Princes lost their confidence in the good faith of the British Government, they must have been as unreasonable as wayward children or silly old women. The spectacle of the British Government, calmly weighing the merits of two rival claimants, and then formally bestowing the principality on the claimant who was supported by the British Resident and favoured by the people, was a spectacle, we should think, calculated to

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inspire hope and confidence and not to produce anxiety and alarm. But the best commentary on Lord Dalhousie's policy towards the descendants and representatives of the second caste in the old Hindu polity, is, simply, that Rajputana during the mutiny, was, with scarcely a break, as dull and uninteresting as one of its own sandy plains.

We now come to the claims of the notorious Nana, with which we shall be brief, inasmuch as of all the elements which have been employed to elaborate a theory, or to complete a picture, this introduction of the Nana fills us with the greatest amazement. Sir Charles Jackson, in a few weighty pages, shows that the pension allotted to Baji Rao by Sir John Malcolm, when he wished to end a harassing pursuit of his fugitive, was £80,000 a year: that this was a life grant and, that as such, it was understood both by Malcolm and by the ex-Peshwa himself, who in his lifetime, pressed upon Government the propriety of making a provision for his family: that on his death, the pension, like every other grant of the same kind, lapsed: that the adopted son, Dhondhoo Punt was permitted to succeed to accumulations, stated by himself at nearly thirty lacks of rupees, but believed by the authorities, as we know, to be more than half a million of our money: that he was allowed to enjoy, rent-free, the jagheer of Bithoor, and that he passed his life on his paternal estate, countenanced by the official and non-official community, and in the enjoyment of ample luxury and wealth. We do not say that any writer, and much less such an historian as Mr. Kaye, has had the audacity to assert that Lord Dalhousie's refusal to accede to the propositions and impudent claims of the Nana, is the slightest justification of the massacres of Cawnpore. Yet Mr. Arnold, of whom we expected better things, seems to think that the mere adoption of the Nana by the ex-Peshwa ought to have settled the question, and to have carried with it the right to burden the state with the payment of £80,000 for another life, or a series of lives. Most of the writers on the subject appear to be ignorant of the fact, that the rival claimant to the office and dignity of this Peshwa, had received, through the instrumentality of no less a person than the Duke of Wellington, an annual pension of £70,000, and had enjoyed this grant for no less than fifty years, or from 1803 to 1853. If the refusal of extravagant, ridiculous, or unfounded demands generates hatred and malevolence, and if these motives are to be considered justificatory of the most horrible crimes, we dare say that a good deal might be pleaded in favour of Constance Kent, Southey, the billiard marker, or any other notorious criminal. At any rate if the Nana's crimes and Lord Dalhousie's consistent, firm, and just policy are to be placed in juxta-position without scarcely a word of reprobation for the former, and, in language which

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seems calmly to contemplate natural cause and effect, we shall never despair of hearing that some day a writer has arisen who will first wash-white the Cawnpore butcher, dismiss him with a testimonial to his morals and excellence, and will then, emboldened by success, undertake the task of rehabilitating that awful name to which the great poet of Italy assigns, in the vision of Hell, a place between Brutus the proud and Cassius the envious, as they are crunched by the teeth of the avenger, in the sea of ice.

Mr. Kaye lays great stress on the next subject handled by Sir Charles Jackson, the resumption measures of the British Government, but he candidly admits that this "general system of depression" "had not its origin in the fertile brain of Lord Dalhousie." At the same time he fills the last of what he terms his introductory Book with a long account of the progress of Englishism, in which novel and comprehensive term are included the destruction of the native aristocracy, the retrospect of the Settlement of the North Western Provinces, the resumptions in Bengal and in the Punjab, the Inam commission in Bombay, and divers other topics. It is true that the dates of all these divers operations and the names of the chief actors, are all given by Mr. Kaye with praiseworthy accuracy, and that a student of Indian history, with ordinary diligence, is not likely to be misled. But, for the general reader, who only takes up the History of the Sepoy war as an attractive and powerfully written narrative of a terrible crisis, there is very considerable danger lest his permanent impression should be that, somehow, Lord Dalhousie is responsible for everything: for the specious but unsound system of the village communities in Hindostan, for the degradation of the native aristocracy, and for any temporary discontent in Lower Bengal. The simple truth is, that Lord Dalhousie had no more to do with the larger portion of the administrative measures which Mr. Kaye condemns, by the test of experience and the full light of History, than he had with the Perpetual Settlement itself. The settlement of the North West Provinces, minute, exhaustive, and as beautiful outwardly as a piece of mosaic, was complete before he ever reached the country. In Bengal he actually *stopped* the resumption measures by his fiat. He found the Board of Revenue annually inditing in their general report, a miserable paragraph about certain lingering resumptions which produced no sterling advantage to the Treasury, while they kept up, in the minds of the Bengalis, an irritating sore. At the hands of Lord Dalhousie these needless and unprofitable enquiries received their death blow. We are told, however, that the same system of depression was carried into the Punjab, and that there it "sorely disgusted some few of our more chivalrous English officers connected with the administration." Now, on

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this, we have first broadly to remark that the Punjab has ever been regarded as Lord Dalhousie's most successful experiment in practical administration. We are not going to relate the details for the twelfth time, or to explain how rights were traced out and confirmed; how roads were laid out, how commerce revived, how agriculture flourished, and how the turbulent province became a valuable possession in peace, and the mainstay of a falling empire in the time of rebellion and of war. All we say is, that it is unfair to claim credit for the Punjab, as the province which saved the country in 1857, in one breath, and then in another to criticise some of the measures by which our rule was therein consolidated, as reflecting discredit on the statesman to whom they were due. The annexation and pacification of the Punjab must be taken as one consistent whole. Its value must be judged of by the event. It is impossible that, when a great reputation is on trial, the same vigorous, strong and enlightened administration should afford a plea for the prosecution, while it is, in reality, the very stronghold of the defence. As regards the resumption measures of the Punjab we have seen scores and scores of Reports on the subject; and it is sufficient to observe that enquiry was commenced into the titles of jageers and rent-free grants within three or four years after annexation. Many of the grants had been made to queer characters and low menials, or to men of professions and pursuits in no way entitled to respect. Several were confirmed in perpetuity, and many were continued for a period of one, two, and three lives: all the confiscated grants were usually settled with the occupants, and neither sullen discontent nor open indignation ever took possession of the minds of the Sirdars, or appeared in the Manjha.

The only point in which Sir Charles Jackson thinks it necessary to vindicate Lord Dalhousie in connection with Resumptions is, the Inam Commission of Bombay. The Law known as Act XI. of 1852, empowered the Government of Bombay to deal with invalid alienations of rent-free tenures throughout the Southern Mahratta country. When passed, it was doubtless worked with great vigour. It was, however, a 'mere supplement to previous legislation,' and it was more liberal and less oppressive than the older laws. No one was ejected from his lands, even when his title to hold them was found to be spurious and invalid, and an entirely new principle was adopted in the last enactment, which was utterly at variance with legal precedent in cases where lands are held, or claimed to be held, without payment of Revenue or rent. In all other Laws and in all other Indian provinces, the burden of proving his own immunity has been laid on the party claiming the same. In the Bombay presidency, by Laws passed in 1845 and in 1852, the burden was laid on the Government.

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If, as Mr. Kaye tells us, three-fifths of thirty-five thousand estates were found in five years to be held without a good title; and if proofs of their invalidity were successfully adduced by the officials, all we can say is, that the spoliation of the Government Revenue and the immunity from taxation must have been effected under the greatest system of robbery which it ever entered into the head of Mahratta chieftains to conceive. The Government, in this view of the case, would have been guilty of gross injustice to the other taxpayers of India, had it shrunk from the enquiry. But whatever were the results, we do not see how Lord Dalhousie can be blamed for not withholding his assent to a law, milder and less oppressive in its tendency than preceding laws, and declared essential for the local administration by the Governor and the Revenue authorities of the Presidency which it concerned. Sir Charles Jackson winds up by reminding us, that in spite of a mutiny at Kolapore and the intrigues of the Nana's agents at Sattara, many districts to which this dreadful Act was extended, remained undisturbed by rebellion, while the Act had nothing to do with the subsequent outbreak in a portion of the country and with the disturbances in the foreign territory of Goa.

A great outcry was raised at one time about the spoliation of the Nagpore jewels, the sale of the private property of the late Raja, the tears of the Ranees, and the conduct of the Resident. Major Bell talks as if Lord Dalhousie had intended to appropriate the state property absolutely, without giving the Ranees any relief. Even Mr. Kaye condescends to write about 'the gain of money.' Sir Charles Jackson quietly shows that out of the proceeds of the sale a large fund was formed for the benefit of the Bhonsla family. The Queen mother received the annual sum of 12000 £, or about that which Parliament allots to Royal dukes, the brothers of a reigning monarch. The five widows of the Rajah got yearly 13500£ amongst them, which is not a bad allowance for women who in native times would have been politely requested to burn themselves on the funeral pile of their husbands. A liberal provision of 78,700 £ was set apart for other connections and dependants of the Raja, and Mr. Temple's late Reports tell us that the sum of 98,000 £ or little less than ten lacks of rupees, is still appropriated to the members of the family, their dependants and relations. The family, besides, was allowed to live on an estate, producing 5000 £ a year, free from payment of revenue. We do not understand the charge made after the above facts, which were equally open to the knowledge and criticism of other writers besides the Indian Ex-judge. Surely it is not contended that the Ranees had a right to a pension over and above the state Jewels, the elephants, the horses, and the bullocks, which,

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by every precedent of international law, became the property of the Paramount Power.

We shall now deal with two Potentates who could certainly have had very little influence in either provoking or quieting a rebellion in Upper India, whose position entitles them to the strictest justice and impartiality. We mean the Nawab of the Carnatic and the Raja of Tanjore. The Nawab of the Carnatic was one of these mischievous shams of royalty, who had no territory and no residence out of the Presidency, and nothing whatever to remind the population of lofty rank, except his immunity from legal process and his exemption from arrest for debt. The question which came before Lord Harris and Lord Dalhousie was, simply, whether on the death of the late Nawab in 1855, his uncle prince Azim Jah had any right to succeed him. Mr. Kaye most properly dismisses both questions without any imputation on Lord Dalhousie, adding that empty titular dignities are dangerous possessions, and it may be, after all, only mistaken kindness to perpetuate them when the substance of royalty is gone. But other writers, it seems, not so well informed, and eager at all risks to blacken a noble reputation, have dealt with the refusal to perpetuate the title of Nawab of the Carnatic as if it were a deliberate crime, destined to afford to the world a further proof that Lord Dalhousie wished to reduce all the native aristocracy to a dead level of obscurity and penury. There were two points, Sir Charles Jackson clearly shows, which arose for consideration. First, had prince Azim any right to the title? Secondly, if he had no right, was it expedient and politic to recognise him? We have not space enough for a recital of the extracts of treaties and of the arguments by which our author disposes of the question of right. Those who will refer to page 82 and following will find it clearly shown, that in 1801 the title of the Nawab of the Carnatic were forfeited to Government by the treachery and hostility of the occupant, and that a new arrangement was then concluded. Lord Harris, whose remarks on the subject of the recognition were adopted by the Governor General, Lord Dalhousie's, and the Court of Directors were unanimously of opinion that the new arrangement entered into by Lord Wellesley, conferred no right of hereditary succession. And Sir Charles Jackson, after minute inspection of the context, and interpreting the whole deed in the spirit of a Judge, comes to the distinct conclusion that the new treaty was simply personal to the claimant, and that all subsequent recognitions had been made out of motives of consideration for the claimant of the day. It is also indisputable that on the death of the

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Nawab in 1829, his son acknowledged the grant of the title in his behalf in language implying the reception of a great favour rather than the recognition of his rights. On the question of policy, in the absence of right, there cannot, we think, be two opinions. If by the maintenance of native aristocracy be meant the maintenance of a set of puppets, without territory to govern, without occupation to employ their minds, who consort with pimps, who cheat and baffle their creditors, and who may at any time, be the nucleus of sedition, while at all times they present a very degrading example to the European and the native population, all we can say is, that the less such an aristocracy is maintained, the better for the credit of England and for the well being of India. This miserable exhibition of spurious philanthropy is one which can only be dealt with by the pen of Carlyle. The whole subject is admirably fitted for a page of Carlylese, where the Mud Demons would be on one side, and the Eternal Veracities on the other. We may dismiss this potentate with the additional remark that the Government liberally provided for the family of the Nawab, and paid the debts contracted by him as well as by Prince Azim Jah, to the pleasant amount of 420,000£.

The case of the Tanjore Raj is much more simple than that of the Nawab of the Carnatic. The sole connection of Lord Dalhousie with the matter is that he recommended, just before his departure, that the Raj should be extinguished, inasmuch as the last occupant of the titular dignity had died without heir natural or adopted, and as, according to all Hindoo Law and precedent, the daughter could never be permitted to succeed. All subsequent proceedings took place after Lord Dalhousie had quitted India. The confiscation of the Jagheer, the assumption of the charge of the property, real and personal, the claim instituted by the window in the late Supreme Court of Madras, the decision of that learned body, which displayed an extraordinary ignorance of the first Principles of international Law, its quiet reversal by the Privy Council, were all matters which took place in the administration of Lord Canning, or even later. The pregnant summing up of the case set up against Lord Dalhousie on this monstrous charge, we shall give in Sir Charles Jackson's own words. "It thus appears 'that Lord Dalhousie had nothing to do with the seizure of this 'property: that the lands were never confiscated: that the personalty was not confiscated, but only such part of it was taken as 'appeared to appertain to the Raj, and that the assertion (Mr. E. 'Arnold's) that Lord Dalhousie resorted to a technicality of the 'Law Courts to deprive the Ranee of her crown and treasure, is 'perfectly unfounded, inasmuch as he had left India long before 'the suit was instituted, in which that defence was relied on."

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The subject of the annexation of Oude is obviously a much larger question. It has been freely discussed in Parliament. It has been largely canvassed by the English Press. Several of the events antecedent to the final annexation have become matter for well-known history. There is probably, even amidst the universal ignorance prevalent in England on Indian topics, scarcely a forward schoolboy who could not, at a competitive examination, write a page or two of flowery paragraphs as to the tyranny of the ruler, the anarchy of the provinces, and the cruel wrongs of the people. But the whole question, after all, comes to this. Was the annexation to be justified by the condition of the province and by our peculiar position with regard to the sovereign whom we had created? We freely admit that this is no case where we can talk of rights by conquest or rights by lapse, of quarrelsome neighbours or of a vast and menacing native army, ready at any time, like the Sikhs in 1845, to invade and to overcome our provinces. The only line of argument by which the assumption of the Government and of its Revenues can be justified, is simply that the administration of Oude had, for fifty years, been a positive disgrace and a discredit, not only to the cruel or voluptuous tyrants who reigned at Lucknow, but to each succeeding Governor-General, who was by Treaty bound to see that the King of Oude should establish 'in his reserved dominions, such a system of administration, to be carried into effect by his own officers, as shall be conducive to the prosperity of his subjects and be calculated to save the lives and property of the inhabitants,' [Treaty of 1801.] If moral obligations are not shams, if solemn and deliberate language means anything, if distinct violations of promises are to entail consequences, if repeated warnings and threats justify action, and if all these combined are to be found in the case of Oude, the annexation of that unhappy, crushed, and misgoverned country, is an act which can be amply justified in the sight of God and man. That natives may have conceived a bad impression from the measure, as Mr. Kaye says; that, in the mutiny, Oude became one of the earliest scenes of anarchy: that the effect of our transient occupation was effaced, and that the reconquest of the country cost us something like two expensive campaigns, are all matters of fact which, do not, in our opinion, in the least detract from the necessity and the justice of our permanent occupation of the country. It seems to us unnecessary to go minutely, as Sir Charles Jackson has done, into the various schemes proposed by Lord Dalhousie for the consideration of his Council and of the Government at home, as to the best way of effecting the object. Whether we rest our defence on the great minute of

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the Governor-General, or on the luminous reasoning of Sir J. P. Grant, or on the accurate and lawyer-like logic of Sir B. Peacock, or on the reluctant and enforced, but ample, concessions of General Low, the conclusion is exactly the same. The native cannot well understand that we can have the least business to interfere with the divine right of an Eastern ruler to deal with his subjects, as a mischievous boy deals with butterflies or cockchafers. But in the eyes of the British statesman, the condition of Oude, which pen can scarcely describe, and which tongue has never palliated, as well as the obligations of plighted faith and unchanging justice, imperatively demanded the termination of a half century of misrule to which the condition of Sicily under Verres would scarcely afford a true parallel. One of the strongest points in the Oude case which many writers have entirely ignored, but to which Mr Kaye in page 147 does render substantial justice, is, that Lord Dalhousie, so far from showing any undue and eager rapacity to add one more kingdom to the list of his conquests, undertook the task from sheer motives of duty. He was well aware that the measure would 'bring him no credit,' and that, to Members of Parliament who had a hazy recollection of the splendid eloquence which in the last century had been lavished on the Princesses of Oude, any mention of that kingdom would afford a ready handle for criticism and attack. Sated with success, enabled to point with pardonable triumph to a long series of social measures which would have added lustre to the name of Bentinck, and distinguished in his foreign policy by a series of bold and vigorous strokes that would have been worthy of a Wellesley, he might most plausibly have declined the task, from which so many of his predecessors had turned aside, and have left a heavy responsibility to his successor and college friend. But this, as Sir Charles Jackson pointedly remarks, and as Mr. Kaye honorably admits, he was the very last man to do. Again, we constantly hear the annexation of Oude quoted as the crowning act of an aggressive administration, by men who entirely forget that there never was a measure in the whole course of our Indian History, from Warren Hastings to Sir John Lawrence, to which the deliberate consent and approval of the highest authorities in England was more calmly conceded. This dilemma is sometimes evaded by saying, that, after all, Lord Dalhousie first moved the vexed question, was the first to propose no less than four different modes of dealing with the sovereign, and must therefore be saddled with the whole merits or demerits of the Act. But this is surely a most unfair way of shifting responsibility. The Court of Directors exhausted

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their skill in producing an elaborate despatch. The Board of Control had previously consented to the Annexation. And the Cabinet of Lord Aberdeen, before the despatch left Leadenhall-street, had committed itself to the measure as one essential to the credit of the English name. It is absurd to suppose that these great potentates, the Court, the President of the Board, and the Members of a Cabinet which numbered such men as Mr. Gladstone and Lord Canning in its ranks, endorsed Lord Dalhousie's proposals, without due advertence to their magnitude, in the same way as they would have endorsed a request for a new sort of fire-arm. By adopting such arguments it would be easy to lay the whole of the American war on the shoulders of Lord Stratford De Redcliffe, or to blame Lord Lyons for the vulnerable points in our relations with the United States. But the truth is that if the measure is open to the charges of rapacity, disregard of rights, or obvious impolicy, the odour of such charges must rest, not on the head of the unselfish Governor General, but on men of high rank and unblemished character, in England, some of whom are gone to their graves with honor, while others still live to command the applause of senates, to secure the suffrages of the country, and to be the ornaments of a Court. Sir Charles Jackson may most truly say that Lord Dalhousie's 'part in the transaction was the 'last sacrifice which he made on the altar of duty.' We are all adepts in that wisdom which is gained after the event. And we may well ask whether any thoughtful person supposes that if it had not undergone annexation, Oude would have played any very different part in the mutiny. Is it likely that the worn-out and debauched ruler would have controlled, for one hour, the elements of anarchy which were fermenting in the province? Should we not still have had a Resident at Lucknow, as well as British officers and their families all liable to a siege? Would Oude, in short, not annexed, have been, in all human probability, a source of confidence or a source of dismay? We make no doubt that one of Lord Canning's earliest acts in 1858, had the course of events in 1855 and 1856 run differently, would have been to incorporate Oude with the British dominions. In this case, perhaps it will be said that policy and justice would have been found united, whereas the course taken by Lord Dalhousie was marked by immediate injustice to the king, and by eventual difficulties in the hour of trial. Our simple answer to these accusations has been given above. The annexation of Oude did not produce the mutiny, but it was the mutiny that led to rebellion and anarchy in Oude. The justice of the measure, apart from its wisdom and expediency, must rest solely on our

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obligation to take care that the terms of a solemn treaty should not be deliberately evaded for another period of fifty years. And all men, whether they think the measure just but impolitic, or unjust and impolitic both, must, in common honesty, hold the British Cabinet responsible for the same.

We have now gone through all the charges save one, from which Sir Charles Jackson has thought it necessary and just to clear the memory of Lord Dalhousie. But this charge is of a very different character to the rest. When the mutiny first broke out, it was most natural that the indignant British Public should seek for a scapegoat, and, when amongst other accusations, charges of blindness, of want of foresight, and of inadequate military preparations, were brought against the statesman who lay at his country seat, bowed down by sickness and toil, even Lord Dalhousie's staunchest friends were occasionally at a loss to meet the roaring torrent of abuse, which was poured forth on his policy. Sir Charles Jackson has now brought to light a startling fact which fully exonerates the deceased nobleman from any such remissness, and which will be read, for the first time, by many of his adherents, with unfeigned pleasure and delight. So far was he from being blinded by his uninterrupted good fortune, or from neglecting one obvious source of peril against which good laws and vigorous measures would have been powerless, that on the last day on which he presided at the Council Board in Government House, he laid before his colleagues no less than nine minutes in which his views on military affairs were propounded with that perspicuity and fullness which have characterised all his State papers. Two of these valuable documents, after repeated search, are not to be found in England, although it seems to us scarcely possible that copies should not be forthcoming, in either the Military or the Foreign Office at Calcutta. It appears however from the seven minutes which are forthcoming, as well from allusions in them to the missing minutes, that almost every proposal for the native army, of which the wisdom has been driven into the heads of the authorities by the lessons of the mutiny, had been in some shape or other anticipated. We subjoin a brief summary from the pages of Sir Charles Jackson. Four native cavalry regiments were to have been disbanded, and two European regiments raised by the Company, on the same principle as those well known foot regiments, the Company's Europeans. The Royal troops were to be increased by four, and, if possible, by six additional Battalions. The invalids at Chunar were to be moved to some other place where they could add to the military strength of the Government. The European companies of artillery were to be augmented. Four native regiments were to

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be altogether disbanded, and the Sepoys in the remaining seventy-two regiments were to be *reduced* from 1000 to 800 bayonets. Three Ghoorka regiments were to be raised, in addition to four irregular regiments. There were, as we have seen proposals for disbanding, four regiments of regular cavalry, for reducing the remaining six regiments from 420 to 300 troopers, for giving each regiment two additional Lieutenants, so as to supply the vacancies caused by officers on Staff employ, and for separating the Commissariat from the regimental staff of the army. These recommendations were made by a ruler in a time of profound peace, in the full tide of success, at the zenith of his political triumphs. Read bythe lurid light of the mutiny they seem literally instinct with prophetic warning. There is not one of them which would not have vastly added to our means, or diminished our difficulties, in 1857 or 1858. With whom rests the terrible responsibility of neglecting these just and wise changes, we know not, nor, perhaps, will it ever be known until our sons and grandsons have access to these secret documents, which, in conscious innocence and excusable pride, their lamented author has sealed for half a century. The words were however committed to paper. The hand which had commemorated the happy victories of peace, the Railway, the Telegraph, the humanising Laws, the cheap postage, the extensive roads, the great water works, the abolition of cruel rites, the spread of education, and the liberty of conscience, had also, while it pointed to the physical condition of the Sepoy as 'hardly susceptible of improvement,' warned us of the little cloud no bigger than a man's hand, which might suddenly gather and burst, to spread desolation over the whole plain. *Illa tanquam cycnea fuit divini hominis vox et oratio.*

And now having gone carefully through all the charges which the author of this excellent volume before us has concentrated into one focus, and has then, as we venture to think, entirely dispersed, we may ask the consideration of our readers for a few pages further, to the general scope and tendency of Lord Dalhousie' rule; and in this we shall appeal from the enlightened and conscientious Judge to the intelligent and impartial Jury: from the opinion of Sir Charles Jackson, to that of the majority of official and unofficial Englishmen, who either personally remember the famous eight years administration, or are in a position to judge fairly of its general tendency and results. It is our deliberate opinion, though we speak under correction, that. in spite of abuse and mispresentation, in spite of all the recollections of the mutiny, the memory of Lord Dalhousie is still held in high esteem and reverence not only by most members of the Civil and Military Services, but by the merchant, the planter,

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and the Missionary, and by the foremost and ablest conductors of the Press. After all, men on the spot are the most competent to pass a judgment on the merits of Lord Dalhousie, and on the connection, immediate or remote, of any of his measures with the universal rebellion of the Sepoy, and the partial anarchy of the people. It strikes us that we have read many articles in the London *Spectator*, in the *Friend of India*, and in the Calcutta *Englishman*, as well as in other papers, which evince no lack of faith in the wisdom of Lord Dalhousie: which show that the writers are possessed with an abiding sense of his rare merits as a reforming ruler, and of his special fitness to sway the sceptre of empire, and to control the heterogeneous elements of which a vast oriental people is composed.

On the other hand, we would ask what is the class of writers which takes a pleasure in defaming the memory of one of the most unselfish and able rulers ever sent out by England, to shorten the term of his natural existence by excessive hard work in the service of the State? On the outbreak of the mutiny it was very natural that the majority of the middle and upper classes should, for a brief time, lay the whole blame of the mutiny on the shoulders of the late Governor-General. Englishmen in a crisis are often a mere mob. Some men, too, had been tired with perpetually hearing Aristides called the Just. Then arose one class of conscientious but wrong headed writers; and another class which from disappointed ambition, petty malice, or their love of notoriety, enjoyed the miserable gratification of blackening the character of a dead statesman, whose mere frown in his lifetime would have scared them out of their senses. There are too some men who seem well aware that they have lost one grand chance of immortality by not living when the Dunciad was written, and to whom the next best chance of publicity lies in their ejecting their venom on such names as Wellesley and Dalhousie, and thus going down to posterity linked with something of grandeur and nobility. A writer such as Mr. Arnold is of course not to be placed exactly in the above category, but even he has been convicted of several grave material errors by the far greater accuracy of Sir Charles Jackson's research. As for Major Evans Bell we think that the violence of the language which he has permitted himself to use in his Empire of India, to say nothing of its want of good foundation, is simply discreditable to him as an officer bearing her Majesty's Commission. The smaller fry, native and English, we may leave as beneath our notice.

But a great distinction must be made, not only between Mr. Kaye and the horde of vulgar writers alluded to above, but between Mr. Kaye and such a writer as Mr. Arnold. Mr.

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Kaye is far too conscious of the worth and dignity of his position in the republic of letters, as well as of the respect due to his official position, to reiterate mere vulgar and shallow abuse. He does full justice in his interesting pages to Lord Dalhousie's energy, to his determination, to the honesty and conscientiousness of his motives, to his administrative capacity, and to his rare power of selecting his instruments, and infusing into them a large portion of his own talent and resources. In some portions of his character of Lord Dalhousie the lineaments are familiar to us, and the colours are life-like and true. But, as partly shewn above, we think that Mr. Kaye from an excessive admiration for Lord Canning, and from a desire to establish his own theory of the causes of the mutiny, has meted out to Lord Dalhousie far less than was his due, and has brought against him charges not fully supported by the evidence.

There may, however, be a reasonable class of men who, while acquitting Lord Dalhousie of the absurd and unjust charges dissipated by Sir Charles Jackson, may yet be of opinion that there is some point in Mr. Kaye's main argument, that because we were too English, the great crisis arose; and that 'Lord Dalhousie's Government was strong in every thing, but its conformity to the genius of the people.' This is no doubt a very plausible theory, but it will lead Mr. Kaye into very dangerous and slippery ground. Most of the internal measures which Lord Dalhousie, his immediate predecessor, and his three successors have devised for the good of the people, are especially English in their character. They would never have originated with the best and wisest of oriental rulers. They are subversive of the sluggish uniformity of the Hindoo religion, opposed to the intolerable pride and self-sufficiency of the Mussulman, and utterly foreign to the habits and temper of the whole people. The steamship and the railway, the lightning post, the spread of education, the re-marriage of Hindoo widows, the instruction of Hindoo ladies of rank and respectability, the Act which abolished forfeiture of civil rights on change of religion, the better discipline enforced in our Jails, the approximation of the ends of the empire by roads and intercourse, and a score of other measures, are all things which, in some tender point or other, must have offended prejudice, and aroused secret hostility. But is Mr. Kaye prepared to carry out his re-capitulation of these measures to their logical consequence, and to affirm that it was our duty to have discountenanced them? That we ought to have introduced them more slowly, under protest, as it were, and with repeated apologies for the liberties we were taking

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with the secular and religious policy of three thousand years? Unless this be so, our course since the mutiny has been still more unwise, still more perilous to our ascendency, and still more likely than before to bring on a rebellion of the whole population. Since the Queen's accession we are more English than ever, while the obstinacy of the priesthood, the prejudices of revered and ancient officials, and the general obstructiveness of all classes, have received far more deadly and constant shocks than ever they did in the years from 1848 to 1856.

We are quite ready to concede that Lord Dalhousie's administration, excellent as we believe it to have been, was occasionally a sore trial to particular classes in particular points. Its strongest characteristics were those of expansive energy and far-reaching vigor. The Governor General worked, as the great satirist of Rome said of her greatest orator in the Catiline conspiracy, *in omni gente;* and this power of work, this insatiable devotion to the service of the State, was communicated through the immediate Secretaries and subordinates, to almost every official interested in the development of his policy in remote provinces of the empire. We can have no doubt that no laws or regulations were dead letters; that searching clauses were put into rigid and literal execution; that good administrative measures were worked at full power: that if there was a nest of prejudices it was routed out: that if there was a tender place in the body it was not always gently treated with a salve. These appear to us slight faults from which such vigorous administrations cannot hope to be exempt. In the meantime the mass feels that it is being ruled and controlled by a skilful and strong hand; and that an oriental mass should feel and believe in their ruler is, we hold, in itself a proof of wise and effective government. If individuals, or even whole classes are occasionally aggrieved by the completeness with which new measures are applied and enforced, and by the want of consideration for venerable prejudices, we may regret, but cannot always stop to remedy the partial evil. We deliberately give a preference to an exhaustive, vigorous, active, just and progressive administration over one in which so many interests are to be consulted, so many difficulties are to be smoothed over, and the assent of so many inert anti-reformers is to be gradually procured, that either good measures are emasculated, or the time for action wholly passes away.

The one great political blunder of Lord Dalhousie's administration, his second Burmese war, seems now to be entirely forgotten, or only to be remembered as a positive set-off to what some writers are pleased to call his misdeeds. Burmah is now

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an integral part of the Empire, quiet, excellently ruled, increasing in prosperity, and contributing a sum beyond its own expenses to the Government Treasury. British Burmah makes our sea board complete. It sent us the first effective aid in the hour of the mutiny. We can therefore only hope that the words of Lord Dalhousie were instinct with prophecy, when he told the audacious Envoy in the hall of Government House, that the British flag would wave over the plains of the Irrawaddy as long as the sun and moon should shine in heaven.

But this must not blind us to the extreme impolicy of the actual measure which brought on the easy campaign and conquest. We had, no doubt, a great cause of complaint against the Burmese authorities, but it is quite certain that we then wanted neither more territory nor a fresh war. The Burmese authorities are ceremonious, attached to forms, and punctilious to absurdity. We should have thought that the best way of dealing with such a tiresome set of officials would have been to depute some officer well versed in their language and ceremonial, polite and punctilious himself, and at the same time a complete master of the various subterfuges to which ministers and governors would resort. Such a man was literally ready made in Col. Phayre, to say nothing of Colonel Bogle, Colonel Fytche, and others. Instead of a Politician, versed in oriental diplomacy, studious not to offend, and yet quite capable of sustaining the dignity and honor of his country, we send down a gallant British tar in the shape of Commodore Lambert, who had every possible motive to bring on a war as fast as he could, and whose first act, the seizure of the kings' ship, undeniably put us in the wrong, and ended the attempts at negociation. From the first they were little else than mere shams. That Lord Dalhousie's usual prudence and foresight were here considerably at fault, we think any one who will read the Burmese Blue Books must admit. If he had wished to avoid a war he should have left Captain Lambert's guns and flags near the waters of the Hooghly. If he deliberately wished to bring one on, which we know for certain that he did not, he could have chosen no better means than to entrust a negociation with the most fastidious of Asiatic Durbars to the rough hands and loud voices of Trunnion, Hatchway, and Pipes. We are bound to say that the gallant Commodore acted exactly as one of Smollet's heroes would have done in the same place, and admirably justified his selection.

But the real test of Lord Dalhousie's administration can be applied only by those candid and fairly informed persons who know and admit that the seeds of the Sepoy mutiny were sown broadcast years before, when in the administration of

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Lord Auckland a fine army became demoralized and perished in the defiles of Afghanistan, after an expedition, of which it is difficult to say whether the impolicy or the injustice were the greater. The same candid persons will also give their due weight to all the rumours which arose in the Crimea, and found many glad recipients in the Mahommedan Bazaars and Councils of India. When this is conceded, then all that can fairly be pleaded against Lord Dalhousie is, that he ruled India precisely at a period when the old system was passing away, and when we were just entering on that state of transition which seems destined to be distinguished by such marvellous results. According to his clear and vigorous policy he did his utmost, as events rose rapidly before him, to consolidate and to strengthen the huge, ill-pieced, and discordant empire. He first gave a geographical and physical union to the British provinces, and he then proceeded to lay the foundation of that uniformity and strength which is produced by humanising laws, by rapid communication, and by interchange of thought. Amongst British rulers he filled the place which, in the Mogul dynasty, had been filled three centuries before by Akbar. If any of his measures unconsciously helped on the outburst of that mutiny which, with the existence of a vast native army, was inevitable, they at the same time placed in the hands of Englishmen the means of extinguishing the flames, or the weapons of resistance. We believe that the mutiny was a simple question of time and opportunity. The policy of Lord Dalhousie, if it gave an impulse in one direction, did at the same time arm the authorities with the means of restraint and check, when they knew how to use them.

But the security to the empire did not consist in measures alone. It is the characteristic of remarkable men in high place to found a school of their order of politicians. There had been the school of Wellesley in which Metcalfe was nurtured, and again there are men alive till lately who boasted themselves to be of the Metcalfe School. The School of Malcolm was well known in Central India. There had been even men of the school of Lord William Bentinck. But Lord Canning, with all his noble qualities, his constancy, his calmness, his fortitude, his magnanimity in forgiveness, has bequeathed his name and his policy to no disciples. Men of Lord Dalhousie's school, conscientious, able, hard working, proud of his teaching, conscious of the purity of his motives, and indignant at the shameful aspersions cast on their great Chieftain, are now filling divers posts of responsibility and emolument in various parts of the Empire. From the present Viceroy to the Commissioner, there is not one of them, we will venture to say, who does not ask himself in a difficulty

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how Lord Dalhousie would have acted, and who is not constantly supported in the heat and wearing drudgery of business by the recollection of his lofty example. We must here remark that the most startling announcement in the whole of Mr. Kaye's book, is the announcement that Lord Dalhousie wanted imagination. It has, however, not escaped comment at the hands of public writers both here and at home. A man who was loyally served and who was obeyed like a prophet, must have been gifted with some singular power of fascination, and with that kind of mind which is ever looking to the future and to the past. If Lord Dalhousie could write those marvellous state papers, could select the best instruments for his purposes, could, without craving for popularity or for personal adherents, impress on them his own spirit, if he could map all India into provinces with their complete system of Railways, if he could anticipate the defenceless position of our empire, and could do all this without any imagination, he must have presented a strange physiological puzzle. Our own opinion is, that he had precisely that gift of vigorous but regulated imagination, of which Lord Canning was almost devoid. At any rate it is undeniable that he did look to the future, and that he did found a school, and that men of the school which he founded, mainly saved the empire in 1857.

It would be easy to pursue this topic much farther, to take up other petty charges against Lord Dalhousie with the mere object of exposing their fallacy, and to call to mind the various occasions on which he interposed his influence to protect and strengthen native rulers and native states. Gwalior, Bhurtpore, Cashmere, Bahawalpore, and many petty states in India are indebted to him for wise counsel, unselfish protection, and generous aid. We think this the place to notice one astounding statement made in the House of Commons, but denied by a near connection of Lord Dalhousie, to the effect that the Governor General was in the habit of insulting Native Princes, and that he told the Nizam that 'he was no better than the dust under his feet.' It is true that the authority for this statement is that of an anonymous writer in the *Quarterly*, and that perhaps it hardly merits serious discussion. The truth is that there never was a Governor so studious of forms in intercourse with Native Princes, or one less likely to insult them by language or act. To our knowledge Lord Dalhousie never interchanged any visits with the Nizam or went near his capital, and when, for what reason, or by whom, the words were transmitted to the Ruler of Hyderabad, we are not told. We may safely dismiss the story as a pure fiction, which no one *in India* ever heard

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of. On other occasions, when Lord Dalhousie met the Sirdars of the Punjab, when he allowed Gholab Sing to lay hold of the skirts of his garment, when he took off his hat in the Taj at Agra, when he uttered the memorable reply to the Burmese Envoy at Calcutta, he was, in dignity, in gesture, in voice, and in language, every thing that the representative of a mighty empire ought to be. We should as soon believe that Lord Granville had abused a French ambassador, as that Lord Dalhousie was ever guilty of wanton insult or marked discourtesy to a native gentleman or prince. Sir Charles Jackson testifies to his own experience of instances when Lord Dalhousie was indignant at acts of oppression and torture, and when he was anxious to protect the native population from such acts. All who knew Lord Dalhousie personally will concur in this testimony. In holding the balance between European and native interests he was eminently just, and, with several men still in India, we can well recollect the cloud on his brow, as marked as the horse-shoe frown of Redgauntlet, when he was suddenly informed of instances of official tyranny, grave insubordination, abuse of power, outrages against justice, or evasions of law.

We have now inadequately discharged, but to the best of our ability, a duty which, though mainly due to the memory of Lord Dalhousie, is one which in a measure concerns the reputation of all eminent Englishmen filling high posts of responsibility and power, either now or hereafter. Writers seem to forget that Lord Dalhousie's policy was dictated by desire, not for selfish aggrandisement, but for the welfare and greatness of England; and Englishmen employed by the State, may perhaps pause and reflect that, when they are exhausting their energies and spending their life-blood in the service of their country, it will remain for essayists with fast pens and reckless imaginations to write them down, after their death, as 'brigands distributing spoils,' and as 'the worst and basest of rulers.' (Arnold p. 199 and Bell p. 26.)

A more pleasing task it is to us briefly to indicate what we think will be the ultimate verdict to be passed on Lord Dalhousie's administration by some writer, who will treat the subject with far greater stores of knowledge at his disposal, and with a degree of calmness and impartiality which in the present generation seems unattainable, except to men of singularly unbiassed temperament and of rare qualifications. Assuredly a time must come, when the petty aggressions of malice, the rancour of ignorance, the miserable desire for notoriety, and the sullenness arising out of ungratified ambition, will be consigned

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for ever to their congenial darkness. A time will come, when the private papers of the great Pro-Consul will disclose all his secret motives for his political acts, and will shed a vivid light on the series of his long and interesting public documents. With that time there will unquestionably arise some gifted writer, who will do ample justice to the celebrated rule of eight years, who will enrol Lord Dalhousie in the catalogue of men who have added to the political stature of England, and who will deliver the sober, lasting, and unassailable verdict of History. He will, we think, tell our grandchildren of a rare capacity for controversy, command, and empire; of a clear and a consistent policy; of noble thoughts, and lofty motives; of a sincere love of law and justice; and of a character, which, if marked by some errors of judgment, stands out in the main as vigorous, unselfish, and true. And slightly altering the noble and memorable language in which Lord Macaulay has enshrined the memory of the first Pitt, he will say that History, while for the warning of vehement, high, and daring natures, she notes the many errors of Indian administrators, will yet deliberately pronounce, that of all the eminent men who have borne the sceptre of that magnificent dependency, scarce one has left a more stainless, and none, a more splendid name.

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ART. VIII.—1. *Our Tropical Possessions in Malayan India being a descriptive account of Singapore, Penang, Province Wellesley, and Malacca; their Peoples, Products, Commerce, and Government.* By John Cameron, Esq., F. R. G. S., London, Smith Elder and Co., 1865.

2. *Adventures among The Dyaks of Borneo.* By Frederick Boyle, F. R. G. S., London, Hurst and Blackett, 1865.

WHEN we give the titles of these two works we name two very readable volumes, appearing at about the same time, and possessing some features in common. The one first named makes its appearance very opportunely, being at a time when the questions of the transfer of the Straits Settlements from the Indian to the Colonial Departments of the adminstration at home is under consideration, and just at the moment when the encroachments of the Dutch in Sumatra have again become a subject of official correspondence.

'Our Tropical possessions in Malayan India' is from the pen of a gentleman long resident in Singapore, and Editor of the principal journal published in the Settlements, a man thoroughly competent to deal with the subjects introduced, and perhaps better versed in many of the details of political and social life in the Straits Dependencies than any other man there. The book bears internal proof of what he tells us, when he says it has been compiled after a careful search amongst records obtainable only in Singapore, and that his object in once more visiting Penang, Province Wellesley, and Malacca, was the gaining additional information to render the volume both more interesting and more reliable. The book contains a few lithographic illustrations and is very creditably got up; it has its faults, but we regard them rather as those of an author who has probably for the first time essayed a work of the kind than those of a professional book-maker. It is somewhat rambling and diffuse in parts, and too often it is found furnishing trivial details of interest only to those who know the Settlements, or who have especial reasons for making themselves acquainted with the minutiæ of daily life there. It is no disparagement to the value of the work to say that the author's candid mode of treating one or two questions

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has provoked some little ill-feeling in certain quarters, such being probably inseparable from the risks run by one who in a very small community writes on its habits and local peculiarities. It is but fair to the author to mention that in his Preface he tells us, that the book has been written for the 'people of England,' and that 'with the belief that the possessions of which they treat, are about to come under the direct control of the Imperial Government.'

More than one visit to the districts, upon which Mr. Cameron has written, assures us of the soundness of his views in the main, and the correctness of his information generally; and if an eccentricity of style and expression pervades the pages before us, we accept it in consideration of the pains shown in the compilation of the work. Mr. Cameron is apparently very proud of his adopted home, which he holds in such estimation as to assert that 'in point of physical beauty it can have few compeers'. This weakness, if such it be, must detract from its value as a work, claiming to be a great or permanent authority, but the book can for other reasons scarcely assume to take up that position. From several remarks we perceive that the author is one of those who consider that the Straits Settlements have failed to obtain as large a share of attention from the Indian Government as their political and commercial importance entitle them to, or as they would have obtained, had they existed as a Colony under the immediate control of the Home Government. In this we agree with him. Doubtless much of this supposed neglect has arisen from the insular position of the Settlements, as well as their total dissimilarity to any other portion of Indian territory, in people, language, habits, or requirements. Any person spending only a short time in Singapore will have noticed how prevalent is the opinion, that its trade would have been developed more rapidly, had it not been under Indian rule. Europeans consider that their wants are not understood by our Government, that it has sometimes treated them as an unimportant and somewhat troublesome dependency, and overlooked the fact that their position is one of political consequence, and that commercially their value is proved by their trade, rendering Singapore the third largest port in India; being inferior to those only of Calcutta and Bombay. We believe there have been some grounds for complaint as to the manner in which their applications and remonstrances have occasionally been treated, but our neighbours should remember that they have but little claim to any great amount of consideration from at least one important member of our Government, and that the one who possesses in a great degree the power of making any part of India a happy or a discontented

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province. It is not to be expected that our Finance Minister should take any great amount of interest in the Straits Settlements, save in so far as their prosperity causes the population to be larger or smaller consumers of his favourite opium, since not only are all the taxes which are raised in the Settlements paid out for their maintenance, but until the stamp duties were extended to those provinces some two years and a half ago, their expenditure caused a considerable drain annually upon the revenues of India proper.

Regarding some of their grievances we are disposed to think the colonists have a reasonable cause of complaint, and knowing the nature of them we feel assured that they have their existence, chiefly through a total misunderstanding of the requirements of the dependency. Few of our Indian officials, even those of the Supreme Council, can boast of being acquainted with the requirements of a locality having little in common with the three great Presidencies, to say nothing of our Non-regulation provinces. From time to time laws have been framed for the government of the Straits Settlements, and though possibly suggested by some Governor or Resident Councillor there, they have often proved totally unsuited to the requirements of the Colony. These laws so passed have frequently differed most widely from those under which we live, but that does not prove their suitability, and we are bound to pay deference to the judgment of the colonists themselves on a subject like this. We believe that this haphazard mode of legislation has done more than anything else to induce the recent clamour of the inhabitants to be transferred from Indian rule, and to be placed under the control of the Colonial office.

Having thus glanced at the present position of the Straits Settlements in their relation to India, it is not without interest that we regard the mode in which they originally became absorbed into its Empire. Like almost all the acquisitions to our Eastern Empire, the annexation has been piecemeal throughout the Straits, and now they comprise Singapore, Penang, including Province Wellesley, and Malacca, forming one Colony under British jurisdiction, together with a variety of islands, more or less under English rule, some of them uninhabited, but many of them being thriving spots, containing industrious populations existing in peace under their respective Rajahs, but regarding themselves as entitled to British protection. Nearly the whole of these people are more or less dependent on the development of European trade in the Straits Settlements for their prosperity. It is to the European they look for a market for their respective articles of produce.

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They have settled where they are, regarding themselves as subjects of Great Britain, if indeed, they are subject to any European power, and knowing, as they have long done, the Dutch to be hard task masters, they protest against any attempt at the absorption of territory within the limits, which, rightly or wrongly, they suppose to be defined by a treaty executed between Great Britain and the Netherlands in 1824. It is regarding this subject that we purpose offering a few remarks hereafter, considering that the merits of the question should be decided without delay, since more than three years have been allowed to elapse since the matter was first formally brought under the notice of both the Indian and Imperial Governments.

The earliest records we have of the most important of these Settlements, both politically and commercially, *viz.* the island of Singapore and its dependencies, date back as far as 1160, when a Malay tribe from Sumatra is said to have taken forcible possession of the island, then peopled by a few Aborigines. The prosperity of the colony which they formed in it, soon attracted the cupidity of the kings of Java, who, during nearly a century, made repeated attempts to wrest it from these Malay settlers, eventually proving successful through an act of treachery perpetrated in 1252, which is thus related by Mr. Cameron: 'Their chief, cap-'tivated by the exceeding comeliness of the daughter of his 'bandahara or viceroy, took her to wife, much to the disgust of his 'other mistresses, who not long after her marriage accused her of 'infidelity, and so worked upon the jealousies of the prince that 'he ordered her impalement. The bandahara, assured of his 'child's innocence, earnestly entreated that if his daughter 'must suffer death, it might not be a shameful one. His 'request, however, was disregarded, and so was formed the first 'traitor in the camp of the islanders. The bandahara secretly 'invited the Javanese to the conquest of the place; they came 'and the gates of the citadel admitted them at night.'

We are told that these conquered Malays sought refuge on the adjoining continent, and from this exodus dates the foundation of the colonisation of that Peninsula.

On it they seem to have prospered in a greater degree than even at Singapore, while their conquerors, forming but poor colonists, allowed the island to relapse into the insignificance formerly attaching to it, as little better than the home of a few poor fishermen. In this state it remained for nearly three centuries, when it again reverted to the Malays through their banishment from the main land. As the Javanese had envied them their prosperity in Singapore, so did the Portuguese envy them their successful colony in Malacca, and war being commenced, it

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was speedily wrested from them by the troops of the latter under Albuquerque. Thus driven from pillar to post they appear to have halted for a short time mid-way between the two, and there founded a kingdom, still known as that of Johore, subsequently annexing to it their former acquisition, Singapore, together with several other islands in the neighbourhood. Thus was founded that kingdom, from whose Sultan the East India Company eventually gained possession of the territory under the treaty of 1824, though it had virtually become British by right of seizure some five years previously.

To Sir Stamford Raffles belongs the credit of having first recognised the importance of Singapore as affording a central position between India and China; one directly in the highway between the two countries, and one that must ever remain the key to power over the narrow seas which intersect the whole of the Eastern Archipelago. Equal to his foresight in its selection appear to have been the means he adopted in accomplishing his object which he thus effected.

There was in 1818 a resident Agent of the East India Company at Malacca, a Major Farquhar, who in that year negociated a treaty with a Rajah, known as Sultan Abdul Shah, permitting the East India Company to erect a factory upon what was supposed to be his territory of Singapore, and guaranteeing a freedom to trade to other parts of his adjacent dominions. On the Dutch authorities hearing of the execution of this treaty, one eminently injurious to their interests, they lost no time in disputing this Sultan's right to enter into any such negociation, or in any way to alienate any portion of his dominions, holding him to be a vassal of the Netherlands Government, on the ground of his receiving tribute in the shape of a monthly payment of four thousand guilders, for the cession of Rhio actually, but which they construed as applying to all neighbouring islands. On this course being adopted by the Dutch, and the position of affairs being so likely to interfere with his favorite scheme, Sir Stamford Raffles determined to take forcible possession of the island, proceeding thither for that purpose with the Company's Agent, then resident at Malacca. Having planted the British flag there in 1819, he placed himself in communication with the Viceroy of Johore, known to the present day by the title of Tumongong, and residing on the adjoining Peninsula. This man, entertaining no friendly feelings towards the Dutch, speedily became amicable, and from him Sir Stamford Raffles learned that the Company's Agent had been duped regarding the treaty of the previous year, and that though disputed with such apparent earnestness by the Dutch, they had withheld from our

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Agent's knowledge the fact, that the man, with whom it had been made, possessed no right, whatever to the sovereignty of Singapore;—that, though a son of the late Sultan, he was not the legitimate sovereign of Johore, his eldest brother being alive, but residing in retirement on the Dutch island of Rhio. Finding the Company thus out-witted, Sir Stamford seems to have acted with creditable energy, secretly putting himself in communication with Hassan Shah, the elder brother, and inducing him to quit Dutch territory, unknown to the authorities. On getting him to Singapore, no time was lost in proclaiming him Sultan in the presence of the elective officers of Johore. It would appear that during the following five years, this Sultan was permitted to rule the island under British protection, for it was not until 1824 that the island was formally ceded to the Company. In that year a treaty was executed between the East India Company on the one part, and the Sultan and the Tumongong on the other. It is under this treaty we hold the island, and by one made shortly afterwards that the possession of it, together with the other settlements, was confirmed by the Dutch. Mr. Cameron, alluding to the former, gives us the following as some of its provisions :—

'The Island of Singapore, together with the adjacent seas, 'straits, and islets, to the extent of ten geographical miles from 'the coast of Singapore, were given up in full sovereignty and 'property to the East India Company, their heirs, and successors, 'for ever; the Company agreeing to pay the Sultan the sum of '33,200 Spanish dollars, together with a yearly stipend during 'his life, of 15,600 Spanish dollars; and to the Tumongong the 'sum of 26,000 dollars, together with a yearly stipend of 8,400 'dollars. By this treaty, too, the Sultan and Tumongong bound 'themselves to enter into no alliance, and make no treaties with 'any foreign power or potentate, without first obtaining the con-'sent of the British thereto.'

We have thus entered somewhat at length into the manner in which the principal settlement came into our possession, and it may not be amiss casually to refer to the acquisition of Penang and Malacca, since there seems to be no doubt but that before long some fresh understanding must be come to between our own and the Netherlands Governments, regarding the absorption of those large tracts of territory upon which the Dutch now claim sovereignty, but which are said to be British, or at least under British protection, in compliance with the treaty we have alluded to, as confirming the cession of Singapore.

Second in importance amongst the settlements is the island of Penang. This beautiful spot claims to be the earliest

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of the possessions of great Britain within the Straits, and the one which the East India Company first selected as giving us a footing in the Eastern Archipelago, and a means of stopping the encroachments of the Dutch, then being carried out to an extent which threatened to give that power an absolute monopoly, not only of those channels which form the natural highway between India and China, but of those also which are most usually adopted between China and Europe.

The first possession of the East India Company on any of the islands of the Archipelago, was that of Bencoolen on the south-west coast of Sumatra, selected in 1685 as a counterpoise to Dutch power in those parts, but one totally unsuited to the Company's requirements; however, it remained in their possession as the only station for just a century, until in 1786 Penang was formally annexed to the Company's territories. The policy of the selection of this island would appear to have been first pointed out by a Mr. Light in 1771, when he called the attention of Warren Hastings to its advantageous position in a stragetic point of view. On that occasion he wrote thus, some sixteen years subsequently:—

'So long ago as 1771, I wrote to Mr. Hastings particularly concerning the country of Quedah, and the utility of Pulo Penang as a commercial Port, recommending it as a convenient magazine for Eastern trade.' There has always been a piece of romance attached to this Mr. Light, and his admiration for Penang. It runs somewhat to this effect; that he wooed and won the affections of one of the Rajah of Quedah's daughters, of course a beautiful Eastern maiden, that her dower was the island of Penang, which he subsequently disposed of to the East India Company for an annuity of ten thousand dollars. Mr. Cameron, in one of his chapters on Penang, denies the truth of the whole story, and states that the Rajah of the time-being still receives this yearly compensation.

In thus glancing at the component parts of the Straits Settlements we must not overlook the rich and populous district known as Province Wellesley, separated from Penang by but a few miles of sea. This Province, which will compare advantageously in fertility, if not in beauty, with any district in the Straits, was annexed to Penang in 1800, being purchased, not for the purposes of cultivation, but to prevent its being longer employed as a *rendezvous* for pirates, who began to haunt those seas, as the prosperity of Penang offered inducements for their nefarious traffic. To show the daring character of these lawless marauders, we quote from the work before us an account of an exploit attempted on one occasion. It is given thus:

'In 1791 these pirates, irritated by the opposition they encount-

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'ered from the British war-ships in the neighbourhood of Penang, 'determined utterly to destroy that settlement and put the residents 'to the sword. For this purpose a fleet of over twenty well-armed 'fighting prahus entered the mouth of the Prye river, where they 'were joined by ninety war-boats furnished surreptitiously by the 'Rajah of Quedah. This combined force having placed their fleets 'in safety, rapidly set to work to fortify a position on the beach op- 'posite Penang by the construction of stockades. These, the remains 'of which are still visible, were soon completed, and being power- 'fully garrisoned, the fleet of over one hundred boats of all descrip- 'tions sallied forth from the shelter of the Prye river to execute the 'destruction of Penang. Intimation of the intended attack had how- 'ever somehow been conveyed to the British Government, and 'four small vessels and several gunboats were got ready for the 'attack. As soon as the piratical fleet hove in sight, a rapid de- 'scent was made upon it by the British ships, and though the 'disparity of strength was enormous, the act was so sudden, vigor- 'ous, and altogether so unexpected, that the pirates gave way in 'disorder. Simultaneous with the attack by sea, three companies 'of sepoys, a body of native artillery, and some twenty-five Euro- 'peans, were landed on the beach of the Province and attacked, 'and after some hard fighting at great odds, took the stockades 'from their pirate defenders.'

The least important of the British settlements in the Straits, or rather of those which have been made official stations, is Malacca. Its trade is still unimportant, its total exports being only some £360,000 in 1863, while its imports amounted to no more than £453,000 in the same period. Malacca first came into our possession in 1795, when it was taken from the Dutch. It was subsequently restored to them in 1818, but, under the treaty with Holland to which we shall have occasion to refer, *viz.*, that of 1824, it again became ours in 1825. We have thus been somewhat diffuse regarding our interesting possessions in the Archipelago, and since the trade throughout those parts is of a similar character in whichever settlement it has its basis, it will be sufficient if in the following remarks we deal with it as a whole. In a similar manner we may regard the political views entertained by the Singaporeans as enunciating those generally held by the European residents at all the settlements.

Mr. Cameron has rendered several of his pages highly instructive, as treating on the products and exports of Singapore. Although the island itself produces few articles of great commercial value, its central position, and the great agricultural and mineral wealth of the lands adjacent, have of late years made its exports

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large and varied; indeed, in proportion to the aggregate value, we should find it difficult to point to any country from which the exports consist of such a variety of substances. In regarding the commercial importance of Singapore, we should never lose sight of the fact that it is only as an *entrepôt* that it can claim a high position.

Whatever may have been the political reasons which caused Sir Stamford Raffles to make the determined efforts he did to acquire the island, it is certain not only from his despatches, but from his subsequent conduct, that he regarded it as destined under British rule to hold the commercial key (if we may be allowed the expression) to the wealth of the Archipelago. This is proved not only by the stipulations made regarding Singapore being ceded to the East India Company as a free port, but by the clauses of the treaty subsequently made with the Dutch, which give us the liberty to trade with the richest portions of the neighbouring islands, and that at a time when we were in possession of an equal right in the valuable Peninsula adjoining. It is evident to us that Sir Stamford Raffles had made himself well acquainted with the valuable productions of the Archipelago, and foresaw that if a central position were obtained for English energy to exhibit itself, to that spot would be attracted the chief products of the Straits. It is probable also that the delightful temperature of Singapore weighed with him in selecting that island in preference to others near it possessing far more fertile soils, but we should be inclined to believe that its central position on the highway between India and the far East chiefly determined him in his selection. Doubtless he viewed the matter in lights both political and commercial, but whatever may have been his motives, there can be no two opinions that his choice was an eminently sound one, as will be shown, we think, from the few remarks we are about to offer after a perusal of the chapters in the volume before us, referring more especially to the exports of the Colony. Almost on the Equator, without any change of seasons, it is surprising to say it is found well suited to the European's constitution, and this is alone to be accounted for by the plenitude of sea breezes which may be said to be always blowing from some quarter and in some degree of force, together with the almost daily advent of copious showers, which come on suddenly as the frequent squalls, prevalent throughout the year in the Straits, happen to break over the island.

From the travelling propensity of these squalls and their great strength, the rains which accompany them seldom last long, and the clouds which foretell their near approach afford an agreeable change from the bright glare of a tropical sun.

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The sameness of temperature and the absence of the change afforded by the diversity of long and short days certainly causes a feeling of monotony, after even only a short residence, and drives one to do in Singapore what Singaporeans do, that is to take everything in the easiest possible manner; indeed, the only excitement ever manifested by the community is such as is caused by the arrival of the European mails.

Mr. Boyle seems to have felt this, for he thus describes Singapore life; 'Decidedly Singapore is the least sociable 'Colony of England. No public amusement whatever exists there, 'and the English inhabitants rarely meet except in their ware-'houses or on horseback. Each family gives one dinner party in 'six months and a ball once a year. The military band plays three 'times a week upon the Esplanade; races occur once in the twelve 'months.' Our author is wrong; the sporting men of the island indulge their propensities on a very creditably arranged race course twice a year, and considering the paucity of Europeans the sport is fairly supported. On the course we have seen some very good running by 'Arabs,' but we cannot say much for the performances of otherwise bred horses.

Mr. Cameron furnishes some tables regarding the range of the thermometer during the three years immediately preceding that in which he writes. From them we learn that the extremes during the whole period never exceeded twenty-two and a half degrees, and show an average of about twenty-one; the figures indicated being *min.* 70° and *max.* 92½°. These tables also show how slight are the variations of each month in a year, indeed such as would be imperceptible to the human frame.

During the year 1863 rain fell on 184 days, and showing a fall for the whole year of some 86 inches.

We quite agree with the author in the following remarks, and well know that they would be endorsed by almost every European resident in Singapore. He says, 'The climate is also one in which more out-door amusement can be enjoyed than in that of most other tropical countries, from sun-rise till eight o'clock in the morning, and from half past four in the afternoon till sunset; the sun is comparatively harmless, and even in mid-day Europeans walk about the Square in town with apparent impunity. To be safe, however, the head should always be kept well covered, and with this precaution the more out-door exercise indulged in the better.' From these few particulars it will be easily understood that it is owing to the locality of the Straits being thus favored, that its salubrity has been secured to the European inhabitants therein; and while this has been gained vegetable products are, from the same causes, found to thrive in perfection. From

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the islands of the Archipelago are to be obtained some vegetable substances unobtainable elsewhere, while there is scarcely a tropical or semi-tropical plant that does not flourish to perfection on most of them. Some of these islands are extremely beautiful, exhibiting a diversity of landscape which must be seen to be appreciated. The extreme southern and south-western portion of Sumatra will alone re-pay one for a cruise in the neighbourhood, to say nothing of the little gems of uninhabited islands that stand like outposts around the rugged but verdure-clad coast.

The resinous trees of the Straits Settlements are very various, and contribute largely to the exportable commodities of Singapore and Penang, while the number of forest trees furnishing hard and durable wood of large size is very great, and the timber of these forms an article of considerable trade with China. The lists of both these would be far too long for us to furnish, if given as found in the appendices of the work before us, and would be of but little value to the general reader, since only the Malay names are supplied even where the more important kinds are referred to.

One of the resinous articles of trade which used formerly to be found in large quantities is now scarcely obtainable in the island itself, but Singapore being, as we have said, the great *entrepôt* of the Straits, large quantities are still exported thence to Europe. We refer to the article of gutta percha. As this product has of late years attracted considerable attention not only in commercial but in social circles, it may not be uninteresting if we describe the mode adopted by the Malays in obtaining the gum, one which certainly is most lamentable, as is proved from the fact, that although the Gutta Percha tree is indigenous to Singapore, scarcely any of the species is now to be found in its forests.

The first samples of this substance sent to Europe were from Singapore, the article being brought under the notice of Europeans there casually, although its employment was by no means new to the Malays.

The article is collected in the following manner, and if this is to continue to be the mode adopted, the exhaustion of the supply cannot be permanently prevented, since it is said that ten trees produce only one cwt. of the gum. 'A full grown tree, which must be twenty or thirty years of age at least, is cut down and the smaller branches cleared away; round the bark of the trunk and the larger branches, circular incisions are made at a distance from one another of a foot or a foot and a half. Under each of these rings a cocoanut shell or some other vessel is placed to receive the juice, which exuding

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from round the cut, trickles down, and drops from the under part of the tree. In a few days the tree has given forth its life blood. The juice in the vessels is then collected into pitchers made of the joints of the larger bamboo, and conveyed to the huts of the collectors, where it is placed in a large cauldron and boiled so as to steam off the water which mixes with the juice, and to clear it of impurities. After boiling, it assumes its marketable consistency, and is brought in for sale.

The Chinese cultivate in considerable quantities the *Terra Japonica* bush and the pepper vine, these are frequently reared on the same plantation, and make a garden look excessively pretty when ordinary pains are bestowed on keeping it in order. The growth of these plants being thus possible, side by side, it forms a favorite branch of industry with the Chinese throughout the island, who possessing but a small piece of ground adjoining their huts, and having but the labor of their own families to rely on, naturally turn their attention to plants thus economical in their requirements of space.

It is from the 'Terra Japonica' that the article, known in commerce as gambier, is obtained, the export of which from Singapore and Penang is considerable, and annually on the increase. Amongst the spice-giving trees grown in the Straits, there is one now laboring under a misfortune which threatens to prove fatal to its cultivation much longer; we allude to the nutmeg tree. For many years after its introduction into Singapore it promised most satisfactory results, indeed it promised to become the planter's favorite, but unfortunately the tree was a few years ago attacked by a blight of a peculiarly insidious character, which has from its first appearance, made steady progress in its ravages. Every effort has been made to stay its progress, but without success. We are told that many of the European planters have spent as much in their attempts to do this on their estates as those estates had previously cost them. Not only is the nutmeg a valuable article of export, but it is the fruit of one of the most beautiful of tropical trees,—not only elegant in shape and color, but rendered more so by blossoming and bearing fruit simultaneously. The fruit, as it ripens, adds materially to the beauty of the tree, when the outer shell partially opening displays a kind of peel enclosing the fruit; this inner shell or peel is of the richest crimson until dried, and is then known as mace.

As in Penang miles of land are devoted to the cultivation of the betel, so similarly placed land, although generally speaking less rich, is devoted to the growth of the cocoanut in Singapore. In the latter, immense districts are planted with these peculiar palms,

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and their cultivation continues on the increase, stimulated by a large local consumption, and a demand for the nut throughout the neighbourhood, and even extending as far as Burmah. The cocoa-nut palm is said not to be indigenous, though it flourishes on the island in perfection, attaining a height of 35 or 40 feet when of full growth, and then yielding from 80 to 100 nuts annually. After the plantation is first formed, so little outlay is required, that the cultivation is found to be a more profitable one than was originally expected, when some twenty years ago the cultivation by Europeans on a large scale was first commenced. For many years subsequently, indeed, the length of time between the outlay and adequate returns deterred planters from entering upon this now lucrative trade. However, within the past ten years opinions have greatly changed; indeed, within that period there has been something of a mania for planting the cocoanut tree, so much so that we could point to miles of low land of very inferior quality, which have been bought up at high rates for this purpose. The experience of the early planters has caused lands valueless for any other purpose to have a marketable price, a thing they never had before. Doubtless, nearly all our readers have wandered through a cocoanut plantation, but they may not all have had to turn from a white dusty road under an equatorial sun into such a plantation; those who have been so compelled will agree with us that the deep shade these trees afford, and the milk derivable from the green fruit, have enabled them to pursue their journey considerably renovated by the *détour*.

The Malays employ the milk of the young cocoanut in a variety of ways; there is scarcely an article of their cookery into which the cocoanut is not introduced in some form or other, while they carry the green nut in travelling by land or sea in preference to water, believing that the milk quenches the thirst more effectually. The variety is great of those minor articles of vegetable produce, which go far to swell the list of the exportable commodities of Singapore, but they are too numerous, and at the same time individually of too small a value, to require more than a passing notice, except to remark that some of them obtain a quality unusually high, as compared with the same plants grown in the tropical countries of the West. We allude to such as the sagopalms, and similar farinaceous food-giving trees. Indeed, so superior is the sago of the Eastern Islands, that the world's supply is now almost entirely derived from Singapore, where the meal is taken to be refined by the Chinese, who, by a peculiar process, give it the pearly lustre so much appreciated in Europe. The manufacture of this article employs a large number of the Chinese population.

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Before quitting this part of our subject we should refer to the unsatisfactory attempt, which some time ago attracted considerable attention, when the cultivation of sugar in Singapore was entered upon by European capitalists. From almost the earliest times of Chinese immigration, the sugar cane has been grown with success, and the juice manufactured by them in a primitive mode has met a large local consumption. An alteration of the sugar duties at home, by which the sugar of Province Wellesley was for a time admitted at a lower duty than that of Singapore, coupled with the fact that the soil of the former district is richer, has caused Capitalists to relinquish the growth of the cane on the island, and to devote their attention to Province Wellesley, where it is now cultivated largely, and bids fair to become a very large trade. There are already some large and thriving plantations, whereon, by European processes, some very fine sugar is manufactured.

It would be an unpardonable slight to our neighbours to overlook the fruits of the island, knowing, as we do, how highly they pride themselves on those productions. With all due respect to their tastes, we think they considerably overrate some of these when they draw favorable comparisons between the fruits of Singapore and other lands. To take class by class would be impossible, but we can differ from them when they maintain that their mangoes and their pine apples are unequalled in the wide world. There are three kinds of fruit however worthy of a passing reference, two of which are said to be indigenous. Foremost amongst these must ever be placed the delicious mangosteen, called by Europeans 'the apple of the east', but what analogy exists between the apple and the mangosteen we have never been able to discover. The mangosteen is well known to our Calcutta readers as an imported fruit, but those who have not seen and tasted it in the Straits, can have but a faint idea of its beauty and delicacy when fresh and thoroughly ripe. It is a fruit which deteriorates very speedily and ill bears packing, the consequence being that when required for exportation the fruit is picked before it has arrived at maturity, actually unripe.

The other indigenous description is that known as the durian, which partakes somewhat of the character of the jack fruit, and is an execrable product. Some travellers have extolled this disgusting fruit, and we know some residents in the Straits who pretend to admire its flavor, but we say with Mr. Cameron 'the taste of the fruit it is impossible to describe, but the smell 'of it, from which the flavour may be judged, is such that no 'gentleman in England should care about having one in his 'house; even in the Straits it is never set upon the table. The'

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'Malays and natives are passionately fond of it, and will go 'through any amount of hardship to procure it.

'A former king of Ava is said to have spent enormous sums to 'obtain constant supplies; and the present king keeps a steamer 'in Rangoon awaiting the arrival of supplies there. The fruit, 'as soon as received, is sent up the river as speedily as possible 'to the capital, 500 miles distant. With Europeans the liking 'for it is, I think, in all cases acquired; the first venture is gene-'rally made in bravado, and so singular is the fascination it posses-'ses, that if the new arrival can overcome his repugnance suffi-'ciently to swallow the coating of one or two seeds, he will, in all 'probability, become strongly attached to it.'

There is a fruit known as the rambutan, which, when growing, looks very handsome, and when in bearing gives the large tree, on which it grows in immense clusters, the appearance of being in blossom with a reddish orange flower. In taste it much resembles the leechee of China but in no other particular, and is decidedly superior to it. There are many other kinds of fruit, but none, we believe, unknown to our Calcutta markets.

In opening the enquiry as to the causes which have led to the rapid advancement of each Settlement, as it has come under British supervision, we consider we cannot do better than follow our author. We coincide with him entirely in the view he takes of the nature and requirements of the trade of Singapore, Penang, and Malacca. He lays stress upon the fact that the Dutch have imitated the British example, and says that they now have scattered over the Archipelago half a dozen free ports, one of which is only sixty three miles distant from Singapore. Mr. Cameron says,—'So evenly balanced are the causes which at 'present affect favourably or otherwise the commerce of this 'entrepôt, that the slightest burden thrown in the scales against 'it would sink it, it might be irrevocably, below the reach of the 'current of prosperity. The two great advantages, that at the 'beginning drew the trade of the East towards Singapore, were 'first, the central and convenient position of the station; and 'second, the entire exemption from commercial imposts or taxes 'on trade, at a time when the Dutch in the neighbourhood drew 'their chief revenue from import and export duties, and when 'even the Company themselves had no other free port.' The Dutch ports, it is true, have not robbed the Straits of much of its old trade, but they have certainly deflected a good deal of that which, in their absence, would doubtless have reached the English, especially towards the southeast of the Archipelago; and they remain ready at any moment to engulph all that may be driven from Singapore by restrictive legislation. In Mr. Cameron's

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intense respect for the advancement of his adopted home, he appears to us over-zealous in his description of its progress; he seems to fancy that no quarter of the globe could show any port exhibiting such a speedily increased trade as forty years has shown in Singapore. Even if this were the case it would not be the subject for exultation he desires to make it, since Singapore produces comparatively little, and trades upon its neighbours in both exports and imports. It is merely as an entrepôt it is maintained, and therefore the figures regarding exports and imports hold no analogous position to those of a country which produces and consumes the value of the articles shown in the statistics. The imports into Singapore are consumed in districts, separated by twenty degrees of latitude, and it is on the opening out of new countries and development of new industries, that the prosperity of the Straits trade must always depend, since, as each country progresses, it seeks its supplies direct from the various manufacturing countries, rather than depend upon the intermediate market, upon which in its younger days it had solely to rely. There are examples of this in Saigon and Bankok, to say nothing of the casual trade formerly carried on with China. It would be as sensible for a person to judge of a London broker's status by his banking account, as to take the imports or exports of Singapore as a proof of its intrinsic value. As the broker holds the money of both principals, so the Straits receive and disburse, keeping but little for themselves, and benefiting almost entirely by the commission derivable as agents in the transfer of the property. We however shall give a few figures which will show that, be the trade of what character it may, it is a progressive one, and so long as it is under British rule it must continue to be so, but we should be wanting in candour, did we not express our firm conviction that its best days are passed. We know this to be the fixed opinion of several of its best friends. As an open roadstead in a great highway, and having a port free from taxation, it must always be a great calling station, and it is because it has long been this, that the tonnage returns we give below must be received in the same manner as those of the trade of the island, *viz.* as finding little more than a temporary direction to and from Singapore. Mr. Cameron furnishes a vast amount of statistics affording information regarding these and similar questions, but space precludes our extracting them even if we recognised their value as he does, which we certainly do not for the reasons given above. We give a few summaries thus:—

1823	£	1863	£
Imports ...	1,200,000	Imports	6,500,000
Exports ...	950,000	Exports	5,500,000

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That Singapore has not advanced in the same ratio as the more producing districts around is shown by the following compiled table. We regret that we cannot find room for extracting the voluminous figures which lead to the result, but we believe that these extracted will furnish sufficient information to any reader who has not occasion to study the details, and to those who have that necessity we can commend Mr. Cameron's work.

The following abstract shows that the trade stood thus in the years given.

Imports and Exports of the three Settlements.

	1833.	1843.	1853.	1863.
SINGAPORE ...	3,748,000	5,548,000	6,515,000	12,017,000
PENANG & PROVINCE WELLESLY	867,000	1,022,000	1,687,000	4,076,000
MALACCA ...	162,000	157,000	517,000	813,000
Total ...£	4,777,000	6,727,000	8,719,000	16,906,000

We summarise the arrivals and departures of square rigged vessels, but they are of no more value commercially, than would be the details of an hotel keeper's business in England, if the property was estimated solely by the number of guests, and included every one who had once only stopped at his house to refresh himself or horse.

From 35 Countries
Under British flag 608
ditto Foreign 671.
} 1,279 vessels with an aggregate tonnage of 471,442 tons.

Of course the mere calling of so large a number of vessels annually must cause money to circulate within the Colony, and we know that many charters are effected at this central depôt profitable to the community, but what we lay stress on is the danger of these figures being accepted as any indication of the actual value of the commerce maintained by the Settlements. We have furnished these few particulars merely as an indication of those given in the volume, since even were it within the space accorded us, it is not within the province of this *Review* to become a trades circular or a commercial economist, but we cannot, in justice to Mr. Cameron, dismiss this part of his subject without mentioning, that he subsequently points out how small is the consumption of the island itself and its productive powers, when he says, —It will not be difficult to gather from a comparison of the

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'imports with the exports, that the consumption of the island is in-
'significant as compared with its imports, and that its production
'is even more disproportioned to its exports. It may be roundly
'stated that 90 per cent of the European manufactures and In-
'dian produce, which are landed there, are again re-shipped further
'eastward, and that not 5 per cent of the products, exported to
'great Britain, America, the Continent of Europe, and India, are
'of local growth or manufacture.'

In this hasty glance at the commercial position of the Straits, we must offer a few brief remarks on two of their mineral products. Of these the most important is Tin; this metal is found in large quantities in many parts of Malayan India, and is generally of a high quality. In commerce it is known as Banca tin, from the fact of more important mines having been opened on that island than on others or on the Peninsula, but throughout the Straits the ore is obtainable, and the supply may be regarded as inexhaustable. The Malay countries are said to form the richest tin district in the world, extending over an extreme length of 1,200 miles. McCulloch says,—'By far the greater number of the 'mines within these limits are as yet unwrought and unexplored. 'It was only in the beginning of last century that the mines of 'Banca, the most productive at present worked, were accidentally 'discovered. The whole tin of the Malay countries is the produce 'of alluvial ores, or what is called in Cornwall, 'stream work,' 'and from the abundance in which the mineral has been found by 'the mere washing of the soils, no attempt has hitherto been made 'at regular mining or obtaining the ore from its rocky matrix. 'Malay tin consequently is grain tin or tin in a very pure 'state; that being the species which alluvial ore uniformly 'produces.'

There is another valuable mineral product, the sole supply of which was for many years obtained from Singapore, *viz.* antimony ore, used in medicine as well as type founding, and being especially valuable as an article for ballast, since it possesses the highest specific gravity next to granite. The whole shipment of it from Singapore is the produce of Borneo, and fears having been entertained that that island had furnished all she was capable of furnishing. We are therefore glad to read in Mr. Boyle's work that a new and extensive vein has just been discovered.

We have long entertained the opinion that the Malay race is one of the most extraordinary to be found anywhere; that the Malays are as peculiar a people as the countries they inhabit. To consider them as a nation would be to commit as great a mistake as to confound the Chinese of Canton with their aristocratic brethren of Pekin. The Malays are hordes of people

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differing from one another in many essentials, and so far as records enable us to form an estimate of their origin, we are driven to look upon them as predatory tribes settled in all eras upon lands, from which they have driven the fighting portion, and intermarried with the remainder. The variety of human form, possessing incontestable evidence of Malayan extraction, as stamped upon the countenance, is wonderful. Though they are known to have conquered Singapore from Sumatra, we are without information as to when they treated the aborigines of Sumatra in the same unceremonious manner. We find them flourishing in Malacca as far back as history can take us, and we have abundant evidence that they held a vast amount of territory in the Peninsula as early as 1260.

If we draw a circle of the Archipelago, we find its borders to include Malays, though it touches China and Australia, and includes countries and territories having but little in common. Under various forms of government they exist, but to their credit be it said, that they maintain good order amongst themselves, and respect the constituted authority under which they live. On those territories which claim British protection, but where European authority has not been set up, the Government possesses for its head a Sultan who is autocratic in all matters of internal rule; his authority is supported by a staff of officials having high social rank and known as '*daruhs*,' whose power is considerable and feudal in its character. Under these governors of districts, there are men known as *pangulas*, holding a position somewhat analogous to our district Commissioners, but possessing more arbitrary power within their respective jurisdictions. This third grade sinks into nothing outside its own locality, unless its members have, as most of them have, made the pilgrimage to Mecca.

If we were asked to name one marked feature of their character, and the one daily and hourly exhibited above all others, we should say treachery is that feature. Revengeful as they are to a degree known to no other people, they select treachery as the means of carrying out their revenge. They will treasure up revenge for the term of their natural lives, if circumstances prevent the accomplishment of the destined object. It is scarcely going too far to say it frequently partakes of a Satanic character, so many evil passions contribute to its strength. The Malay glories in his treachery, and the more cleverly he carries it out, the more will he be locally respected; in a very similar manner to that in which the accomplished perjurer in our law courts will be respected in his village, in the degree in which he is found capable of duping the powers that rule in his neighbourhood.

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It is our fixed opinion that it is as difficult for a Malay to act straightforwardly in his mode of taking revenge as for a Bengalee to tell the truth when he believes it will be injurious to his interests to do so, however indirectly. It is this characteristic which renders them such a dangerous people to deal with, and probably it would not be so to so great an extent, were it not that they unite with their treachery a quality that would seem inconsistent with it, but so it is;—they are personally brave in all the requirements of the *Desperado*. Doubtless, a certain recklessness of life influences this, but the fact is patent in every quarrel in which a Malay is engaged. It is never shown more markedly than when Malays and Chinese come to differences. Such feuds are carried on with a desperation rarely to be met with elsewhere.

If there be a race of barbarians who more thoroughly exhibit, at all times and in all situations, the quality which we English know as 'pluck,' that race is the Malay; and though we have written of them thus strongly, we do not deny to them the possession of many good qualities; indeed we will go the length of saying that whatever energy and barbarian courage can accomplish, the Malay can effect, but before he does so he will employ his favorite, and to him generally successful, method, of gaining his object. Treachery is a first law with him, never to be departed from.

It has often occurred to us when amongst them, that Sydney Smith was not far wrong when he said that if the Malays only possessed a Malay Bonaparte, and were provided with a full supply of opium, they would run amok* from Cape Comorin to the Caspian. Figuratively they could certainly accomplish this, for of them it cannot be said that if 'the spirit is willing the flesh is weak.' Those qualities are found to be co-existent in the race; their physical strength is great, but we do not hold with Mr. Cameron in his description of their personal bearing or general appearance. Indeed we can only account for his description of them on the presumption, that he has taken for his type the best tribe to be found amongst the 140,000, supposed to constitute the population of the three British possessions. Certain we are that he does not accurately describe the race. We are even of opinion that he has taken an unjustly favorable view of even that tribe, be it found where it may.

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* Commonly called in English 'run a muck' from the Malay word *Amok*, to kill.

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He states the Malay population to be as follows :—

In Singapore	13,500
„ Penang and Province Wellesley	72,000
„ Malacca	55,000

The Government returns differ much regarding the population of the Straits, and more still in the subdivision of their nationalities. This is not surprising when we consider that within Singapore alone can be found representaives of every civilised and semi-civilised country in the world, so much so that the *Times* newspaper on one occasion said, that there was nothing to compare with the streets of Singapore but the Russian fair of Nishori Novgorod. Of course the Chinese are now by far the most numerous; it is estimated that they number in Singapore itself some 90,000 souls.

To return to the Malays and the variety of the race. Mr. Cameron alludes to their confining themselves to particular trades, but seems to overlook the fact that circumstances alone have brought this about. We account for it thus; the whole of the Islands of the Archipelago have been, more or less, colonised by Chinese, and in a contest with the workman of that race, the Malay has no chance in works of handicraft. In industry and astuteness the Celestial will leave him very far behind, but if Mr. Cameron thinks he describes the peoples' capabilities correctly, when he says, for instance, that a Malay cannot follow the occupation of a tailor, he is wrong. In the Cape Colony there are numbers of Malays following this very trade, and successfully too. Our author not only overlooks the variety of the Malay race, but the change which emigration has made in their many tribes. It is not too much to say that the Malay of Java or Singapore differs as widely from the Malay of Cape Town, as the Englishman does from the man born and bred in Connecticut. The Malays who have settled in the Cape Colony, or rather, their descendants, who at the present time form so large a portion of the community there, have nothing whatever in common with the inhabitants of Malayan India. In language, in manners, and in costume, they are as opposite as in every respect as the countries they inhabit. Fancy comparing the slatternly haggard looking female of Malacca with the trim Malay nurse-maid who ornaments your Cape Town suburban house; they have nothing but their natural shrewdness and their extensive employment of cocoa-nut oil in common. The tidy waiting-maid with the splendidly white teeth in Southern Africa, would indeed feel herself insulted if Mr. Cameron told her that it was a sister of hers who in Sumatra would salute him, if permitted,

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with lips of the most hideous red, and teeth as black as the ink in which these lines are printed. Imagine your handsome or graceful laundress, who from under Table Mountain performs her valuable service, (at such enormous cost), coming to our author in a robe without shape or character. A Cape servant, of Malayan race, so compelled, would verily, we believe, commit suicide forthwith as her sole resort in the spiteful revenge which is still found to lurk in their character, though so long occupants of their adopted home. We have often thought it must have been from the household servants of Cape Town, that the French Empress first obtained the idea of her favorite costume. When the word crinoline was unknown to civilised Europe, the pretty nurse of Rondebosh or Wynberg might be seen disporting herself in an amplitude of dress far more elegant than that ruling at the Tuilleries, and obtained in a much more sensible mode; which for the benefit of our lady readers, we may be pardoned as mentioning to be nothing but a conglomeration of petticoat of greater amplification, as they take priority of position adjacent to the pretty print gown universally adopted.

We have thus digressed merely to show how completely altered is the Malay found to be in different latitudes, and the absurdity of taking the syces, the boatmen, or the bearers of Singapore, as specimens of the Malays of other parts of the Archipelago. Indeed, this very diversity of opinion seems to have attracted Mr. Boyle's attention during his travels, for he mentions that the residents of Singapore hold an extraordinarily favorable opinion of the Malays, believing them less 'treacherous' than most Asiatic nations. Our opinion of them is that they are an astute, able, clever, people, having great power of endurance, but treacherous and bloodthirsty, addicted to the worst vices known to the Penal Code, but possessing the one redeeming feature, that when they do take a liking to any individual, whether he be white or black, in that man's service the Malay is prepared to draw the knife he carries, without questioning whether it be in a just or an unjust cause. We admit that they have proved to the Europeans a valuable people in many ways, and have thus aided in the rapid development of the Settlements, but we are not, therefore, to overlook their national faults; it is not because they first discovered for us gutta percha, and other useful products, that we should believe them immaculate, and when our author points exultingly to their infrequent appearance in the Courts of Justice, he should not overlook the fact that they employ our Marine Police to a very objectionable extent. If they don't steal very frequently on shore, as compared with the other

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Singapore races, we should like to know whether they do not surpass in daring piracy any other of the nefarious traders who have from the very first proved the greatest trouble with which we have had to deal in the waters of the Straits.

We have entered thus at length into our ideas of the Malays, solely because, in regarding the question of whether the Indian Government is not unsuited to the population there, (owing to its totally different character,) we are dealing with one very material fact. Not only so, but, when we are asked to prevent the Dutch Government from bringing additional territory under a civilized, though encroaching administration, we may justly observe, that if our Government is not bound by treaty to protect the territories of these Rajahs, who now claim assistance, but is free to choose for itself, and is opposed to an extension of power in the Archipalego; then we say there is no more important question than that as to the nature of people who ask us to take their part against their enemies the Dutch. The question is an important one, and we therefore make no apology when we compare the opinions of our two recent authors. In conclusion of this part of our subject we shall quote from Sydney Smith's writings;—views, though expressed half a century ago, having still a value. That we agree with him in the main is probably a superfluous remark.

Mr. Cameron says, 'Malays, as a rule, seldom appear in our 'Criminal Courts; when they do, it is generally for some act 'committed in a sudden outburst of passion; they are rarely 'charged with theft or fraud. In their domestic relationship they 'are frank, amiable, and often generous. Deceit forms but a small 'part of their nature. They are strongly attached to their homes 'and to their families, and there is probably no more pleasing 'picture of social happiness than is presented by many of the Malay 'hamlets even in British territory. The poverty of the bulk of 'the people and the proportion of the sexes probably combine 'to prevent Polygamy. The men are far more gallant than natives 'of other parts of the East, and those they love they also respect.' Again we find our author telling us that 'the Malays are essentially gentlemen; they have no acqusitiveness, and if they can satisfy the wants of the moment they are happy. Speaking of the women he says, 'they are constant and faithful, and after marriage esteem their virtue their chief ornament.' Again 'between husband and wife, though the matrimonial contract is easily completed and as easily annulled, there subsists a sincere and generally lasting attachment.'

We could go on quoting a host of similar certificates of their amiability, but these will serve to show the high opinion regarding them which Mr. Cameron entertains.

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His contemporary, in his book on Borneo, wavers somewhat on the point, but in one instance thus gives the Malay the benefit of the doubt, when he says,—The Malays have a reputation for treachery and cruel practices which they do not seem to deserve. Torture is never permitted, and they retaliate the charge of treachery on their accusers. Human life is not highly esteemed among them, it is true, but the same may, be said of all races inhabiting a tropical climate, and '*kresing*' is considered a merciful death. An independent Chieftain, well known in Singapore, is said to have crucified some rebels, who fell into his hands while we were in Sarawak. His 'pangerans' remonstrated strongly with him, urging that torture was repugnant to human nature, and opposed to the customs of their ancestors. 'Very true' replied the Tumangong, 'but it is the English practice; they persuaded me to read their sacred books, and in them I found an account of it.' If the story be not true it is droll, but whether these unfortunates were crucified or not, I can postively aver that the Tumangong is a very handsome, courteous gentleman, who gives his friends a very good dinner, and sits with them while they drink capital wine from his cellars. It is possible that in the sanctity of the domestic circle he does not obey the Prophet's commandment quite so strictly as in company.'

Speaking of the *Amok* running, which has so often caused enquiry, Mr. Boyle says,—'Perhaps the most striking characteristic of the Malay nature is the strange madness called '*Amok*', to which all individuals of this race are liable. Any strong passion may rouse the latent phrenzy and anger, revenge, or the discovery of a calumnious accusation are frequent sources of deadly mischief. The gambling table sends out its homicides with regularity, but in nine cases out of ten, 'La donna' will be discovered in the dressing room, when the tragedy is over.

And now we come to Sydney Smith's opinion. 'The Malays are the most vindictive and ferocious of living beings. They set little or no value on their own existence in the prosecution of their odious passions; and having thus broken the great tie which renders man a being capable of being governed and fit for society, they are a constant source of terror to all those who have any kind of connection or relation with them. A Malay servant, from the apprehension excited by his vindictive disposition, often becomes the master of his master. It is as dangerous to dismiss him as to punish him; and the rightful despot, in order to avoid assassination, is almost compelled to exchange characters with his slave. It is singular

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however, that the Malay, incapable of submission on any other occasion, and ever ready to avenge insult with death, submits to the severest military discipline with the utmost resignation and meekness. The truth is, obedience to his officer forms part of his religious creed; and the same man, who would re-pay the most insignificant insult with death, will submit to be lacerated at the halbert with the patience of a martyr. This is truly a tremendous people! When assassins and blood-hounds will fall into rank and file, and the most furious savages submit (with no diminution of their ferocity) to the science and discipline of war!'

It is not necessary for us to enter into any enquiry as to how far the Straits settlements have contributed to the wealth of India since their first annexation, the colonists themselves admitting that they have proved continued borrowers from the Indian treasury, but we may ask how far the European residents, who now clamour for separation from India, see their way clear to support increased official establishments, as they surely will be compelled to under the Colonial Office adminstration, and to provide funds for Military Services rendered, without materially increasing their expenditure; and, if this be incumbent, how far they are in a position to meet that increase. Up to the present time, they have remained the most lightly taxed people under British rule, and as such have flourished; they have received greater toleration than has been accorded to any district of India, while their trade has been totally unfettered; not even a preventive officer boards their ships, and with the exception of a small charge for light dues (if not previously paid) ,there is not an official who troubles himself as to what ship visits the port, except so far as gaining a few statistics regarding tonnage &c. For our own part we can only say, we have long envied them an immunity so complete.

It is at an unseasonable time that they address to the Indian Government their recent complaints regarding the innovations of the Dutch in the Straits, and did it merely rest on their *exparte* cry, that those innovations impaired their opportunities of carrying on trade successfully, we should be content to counsel them to protect themselves by competing with that people, or, if beaten in the race, to take their defeat gracefully. But their complaints raise the question of our treaty rights,to say nothing of the important one as to how far it may be prudent to allow of a rival power even being in a position at any time to block up those narrow seas. A native power amicably disposed towards British rule may some day find itself under compulsion from a British enemy. These were our views when, nearly three years ago, the Dutch absorbed a large tract of country immediately opposite the western coast of Java, peopled by a tribe of Malays

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forming a contrast to the race generally, and approaching nearer to the Javanese in docility. They possessed a fertile country, and were comparatively industrious. On their territory coffee as good as that of Java was being grown. Not only did this land excite the cupidity of the Dutch authorities on the neighbouring island, but they feared the proximity of a people producing the counterpart, within a short distance, of the article which, according to the conservative policy of the Netherlands Government, must be sent to Holland for realisation.

Since then numerous acquisitions of territory have been permitted, and it remains to be seen how far their last seizure in Sumatra will be tolerated by the Malay inhabitants, or permitted by the British Government.

In quitting this part of our subject we cannot but express our earnest hope, that the Indian Government will lose no time and no opportunity of keeping the Home Government well acquainted with the tenor of the despatches which reach them from our officials in Singapore on this subject. It is indeed of vital consequence to the political interests of Great Britain in the East that those strips of water should be left open channels to the navies and merchant ships of all nations. In the magnificent roadstead of Singapore we can always have a rendezvous inferior to none in the world, and no opportunity should be lost to prevent any European power from holding territory on the adjacent channels, that may be capable of giving it the power to prevent our gaining, in times of peace and war, easy access to that rendezvous. We are well aware that the subject is not calculated of itself to attract attention at home. There is therefore the greater necessity for an enquiry as to whether any steps are being taken in the matter with a view of maintaining in its integrity the treaty of 1824, if it be proved that such treaty has been broken. Many people will say that the countries in question are peopled by a race of pirates, but the question as to what the Malays are, forms, by no means, the sole point of importance.

Having thus glanced at the mode in which the Straits Colonies first came into British possession, their commercial value, their political responsibilities, and the character of their original races, we may, in conclusion, offer a few remarks upon the question as to how far their longer retention under the Government of India is desirable.

When we remember how mixed are the races of the Settlements, how totally dissimilar are their requirements from our own, and how little these are understood in India, we are driven to ask whether it would not be for the future advantage of all interested that a speedy separation should be amicably effected.

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More especially does this seem desirable since the policy of the question has been acknowledged by the Secretary of State for India. It is more than two years since in answer to a question put to him by Mr. Crawfurd, Sir Charles Wood admitted from his place in Parliament that the Colonists must be the best judges of how far their prosperity would be enhanced by the direction of their affairs being handed over to the jurisdiction of the Colonial Office. While himself expressing no opinion on the policy of the transfer the Right Honorable Baronet stated that the Government were prepared to grant it, so soon as some military accounts had been adjusted, and that these would be balanced by the extension of the Stamp Act to the Straits. There were however some accouuts of old standing to be arranged.

Now, it is regarding the delay in effecting these arrangements that the Straits Colonists are loud in their complaints against the Indian officials, but we have yet to learn whether these be well founded. When we know that it is admitted in official circles at home, that the Colonial office is the most heavily worked of any department of the State, we may be justified in asking whether no part of the procrastination has occurred in that department. It has given us pleasure, when considering the question, to notice the calm and dignified manner in which Mr. Cameron, as an avowed champion of the transfer, alludes to the conduct of the Indian Government in its treatment of the Settlements, and we cannot do better than quote his words which may well form a conclusion to this desultory article, and indeed as they might to a parting farewell, were this the day of final separation from India. 'Mr. Cameron says, 'It is only in the last year, 1863-64, that 'the endeavour has really been carried out, and that the revenue 'has been raised by fresh taxation, in the shape of a stamp duty, 'to a sum equal to refund India for the military expenditure.

'During the long years that preceded this last, India has 'suffered—and suffered patiently a yearly drain upon her treasury 'on account of the Straits Settlements of over thirty thousand 'pounds sterling.'

A little further on he writes, 'when the Indian Government 'hands over the Straits Settlements to the Crown, it will deliver 'a trust honestly kept and well deserving the solicitude of its 'new guardians.

'It has shown too, an example of high-minded forbearance in 'abstaining to check the growth of a promising Colony to save 'its own treasury, * * * With the new Colony the Indian 'Government will also hand over to the Crown a revenue ready 'made, ample in all respects, and gathered in a manner that leaves 'trade and industry unburdened, and lays the pressure chiefly

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'upon native vice and luxury.' We sincerely trust the ideal future, predicted for our neighbours by their zealous champion, may be realised to their fullest extent, and it will then be a matter of satisfaction to ourselves, to know that our pen has not been employed in any endeavour to stay a change so ardently desired by the thriving and industrious community of Singapore:—a community that has for many years prospered in a marked degree, and is destined still to prosper so long as peace rules within the Settlements, so long as its affairs are directed by men as sincere in their endeavours to advance the interests of the Colony as we know its present executive to be: not to speak of its good fortune in numbering amongst its citizens a man so devoted to its welfare, and so well able to expound its requirements, as the author of 'Our Tropical Possessions in Malayan India.'

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SHORT NOTICES.

Observations submitted on behalf of the Officers, of the Local Indian Army, with reference to the Speech of the Secretary of State for India, on the 2nd May 1865, *and to the Debate in the House of Lords, on the 15th May* 1865. London, Printed by W. Clowes and Sons, Stamford Street and Charing Cross 1865.

THIS is the 'Red Book' of Colonel North's Committee,—the Committee whose industry and perseverance combined to inflict upon the Government the most telling defeat they sustained during the six years of their existence. Few instances indeed have been more striking, than this, of the great power of those qualities. Four years and a half ago the condition of the local officers of the Indian army seemed desperate. On the promulgation of the Warrant establishing the Staff Corps, many, who, under the old system, had suffered from slowness of promotion, hailed the chance which gave them their fair standing, but many, we believe, entered it because they regarded it as the only standing point in a period of revolution. But a very large proportion of the officers, urged by various motives, refused to have anything to do with the Staff Corps. These officers stood upon those rights, which they believed they had acquired by entering the service of the East India Company, and which had but recently received the sanction of a Parliamentary guarantee. There can be no doubt now, that many of the officers who so acted, did so with the fullest determination to bring the question to a test, and to gain from their position all the advantages which a Parliamentary guarantee held out to them. They looked well at the alternative, and we cannot now refuse to believe that many of them acted on the conviction that with perseverance, energy, and good management, they would gain more by remaining in the Local service than by transferring themselves to the Staff Corps.

We think that there can be little doubt that in devising the Staff Corps scheme, the authorities of the India House believed conscientiously that the new measure,—to use the expression employed by one of them,—'gave a lift' to the Indian service,

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and that its advantages would be so patent to all but an infinitesimally small minority in the Indian Army, that its members would all gladly acquiesce in the new arrangement. But they ought not to be angry or surprised if all the officers have not regarded it in the same light. The fact is, all questions, but especially questions touching the pocket, are naturally looked at from two entirely opposite points of view. Generally one party tries with how small concessions it may satisfy the mass,—the other, how much it can, with any chance of success, demand.

But if we admit that the India House authorities were sincere in their belief that the Staff Corps scheme would be acceptable to the great bulk of the officers, our approval of their conduct must stop there. If they had wished to make the measure fail, they could not have adopted a course more directly tending to that end than that which they actually adopted. Every order, or certainly almost every order, emanating from the India House, is capable of more than one construction. Now, on the receipt of the Royal Warrant and the Staff Corps Rules from England, Lord Canning appointed a Commission of able and experienced officers, representing the three Presidencies, to interpret the rules in their fair sense, and to frame a general order based upon them. This general order, when completed, was submitted to the Governor General in Council, and was by him approved. Nevertheless it is a fact, that the India House authorities were so blind to the real design of their own measure,—to embrace within it as many competent officers as possible,—that they not only snubbed Lord Canning for appointing the Commission, but they refused to confirm some of the common sense (we will not even go so far as to call them liberal) measures which he had approved of, and the adoption or refusal of which just made the difference between the prospective popularity or unpopularity of the Staff Corps. Prominently amongst these was a measure, important more as a principle than as anything else, the refusal of which affected most injuriously the constitution of the Staff Corps, gave a great blow to the confidence of the officers in the India House, and produced enormous discontent. The refusal of this point was the more pernicious in its results, inasmuch as it involved an infraction of the Royal Warrant, then only very recently published, (January 1861.) We allude to the refusal to permit an officer of the Staff Corps to retire on the pension of his rank after twenty-two years' service. Under the old rules of the service, under the new Furlough Regulations also, this permission was expressly conceded to all officers. It formed one

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of their retiring rules. Now the Royal Warrant of January, 1861, expressly granted to officers of the Staff Corps the same privileges with respect to pension and retirement which they had all along enjoyed. It manifestly followed, therefore, that officers entering the Staff Corps preserved that long established privilege. So thought the Amalgamation Commission, so thought Lord Canning and his Council. But so did they not think at the India House. In a short, curt, despatch, Lord Canning was directed to inform the officers of the Army that, notwithstanding the clause in the Royal Warrant, that privilege should not be extended to Indian officers. In vain did Lord Canning protest; in vain did he inform the authorities in London that he regarded it, and that the officers of the Army would regard it, as a breach of faith. Though he twice remonstrated, he was twice refused, and on the second occasion he was brusquely and rudely ordered never to refer for the second time a question on which the India House had given a decision.

What was the consequence? Confidence in the Home authorities was simply destroyed. If, said officers everywhere, the India House can thus sweep away one provision of the Royal Warrant, why can't they sweep away another, why can't they sweep away all? It seemed to them that the very sheet-anchor of the new Charter was broken, and that their hold on the other benefits promised was precarious in the extreme. We have conversed on this point with hundreds of Staff Corps men, and we have received but one answer from all. Coming so immediately after the promulgation of the Royal Warrant and the General Order constituting the Staff Corps, this retrograde action gave a rude shock to their confidence; it contributed more than anything else before or since, to make the Staff Corps unpopular.

And for what great object was the chance of this occurrence hazarded? Really for almost nothing at all. We believe, indeed, that the Government would have gained by continuing the old privilege. The point was this. Under the old Rules, an officer might retire on the pension of his rank after twenty-two years' service; or he might retire as a Major after twenty-four years. Now, as under the Staff Corps Rules, every man became a Major after twenty years' service, the India House authorities argued, that the effect of a continuance of the old Rules would be to permit every man to retire as a Major after twenty-two years' service. And so it would. But how many military men are able to retire after twenty-two years' service? A calculation made at the time shewed that the number of those who had so retired had been

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extremely small, and there was no probability that it would become larger. At the utmost then it constituted a loss to the State of two years' service, perhaps, at the very outside, of two officers a year. But under the Staff Corps' scheme, so long as there remained a surplus of officers, these retirements would be a real gain to the State, as they would involve no promotions in their room. And yet it was for a gain so uncertain that the India House risked the loss of the confidence of their officers, and the stability of the new institution, which, nevertheless, they were most anxious to make a success.

It is perfectly true that in their final reply to Lord Canning they directed him to inform the officers, that those amongst them, who felt that faith had not been kept with them, might withdraw from the Staff Corps. It is equally true, that a few, whose promotion in the *cadres* of their corps had meanwhile advanced considerably, took advantage of this offer. But what were the great bulk of the officers to do? Many of them had been promoted in the Staff Corps, and not in their *cadres*. Returning to these latter they would have had to refund the difference, to repay money which they had already spent. Besides, at that time, the Local service was not only discredited, it had become a bye-word; and there were not wanting prophets of evil to declare, that so long as Staff Corps officers were available, no Locals would be admitted to Staff employ. The situation indeed seemed scarcely to present a choice of evils to the scared and bewildered officers.

If we must congratulate the India House on the very complete manner in which they succeeded in discrediting the institution they were anxious to establish, within a few months of its birth, we must likewise compliment them upon the policy they have adopted in keeping out from the Staff Corps some men who were most qualified to adorn its ranks. We confess that in our simplicity we believed that the great object in forming a Staff Corps was to attract to it the best and ablest officers in the service, men who are qualified by their knowledge of the language, and proficiency in other branches of scientific knowledge, to join it. Now, we will not pretend to have mastered every particular case, nor is it necessary that we should. But we will bring forward two cases, with which we are personally acquainted, which will illustrate very fairly the system on which the India House has nursed their pet bantling. The one case is that of an officer, who is, admittedly, one of the best linguists in the country. He passed long ago the P. C. examination, and has been appointed by the Government to various offices, which could only be properly filled by

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an accomplished linguist. This was just the sort of officer an ordinary individual would have considered that the Home Government would be glad to see in the Staff Corps. On his applying, however, for admission, on the first formation of the Staff Corps, he was refused on the ground, we believe, that he had not held a permanent appointment within three years of the formation of the Staff Corps. It was true he had not, but why? Simply because he had been shot through the body during the mutiny, and had been forced to proceed to England for his recovery. Before that, he had held a regimental staff appointment, and subsequently a political appointment. But the rights resulting from these were nullified in the manner we have described, and he was unable to join the Staff Corps at the time of its formation. He could only have joined it subsequently at a loss in standing to himself.

The other case is very peculiar, and one which particularly merited a generous consideration on the part of the Home Government. It so happened that some sixteen years ago an officer, then Adjutant of a Local Regiment, received when out tiger-shooting, a grievous hurt, which incapacitated him from marching. As a mounted officer, however, he was not required to march, and for three or four years after his wound, he performed all his regimental duties, as perfectly as he had done before its occurrence. He then went home on furlough. On his return, being then a captain, he joined his regiment, and no complaint was ever made of the manner in which he performed his duties. Some influential friend, however, perceiving how irksome it was to him to perform those duties, mentioned his case to Lord Canning, and Lord Canning, with that generosity innate in his nature, gave him a Staff appointment. This was in 1856, the year before the mutiny. It so happened, unfortunately for him, that he was the eighth officer taken away from his Corps, and the Court of Directors, scrutinising the case, called upon Lord Canning to explain, why, contrary to their repeated injunctions, he had taken away an eighth officer from the regiment in question. Lord Canning, thinking very probably that his reply would be considered satisfactory, and that nothing more would be said, answered, that the officer had met with an accident which interfered with his marching, and that he had therefore given him an appointment in which he was not required to march. The tenacity of the Court of Directors was however too much for him. They replied that in the case under review, the Corps of Invalids, and not an appointment, was the proper place for the officer, and they directed that he should be brought at once before an Invaliding Committee. It had

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happened, unfortunately, that the Corps of Invalids had been only then recently re-modelled, and placed on a footing very much less advantageous for officers. No one however had entered it; or, to speak more correctly, the only one officer who had entered it had been transferred, as a special case, to the old Invalid Corps. But it was now to the remodelled corps that this captain was transferred,—a transfer which deprived him of one half of his allowances, and which cut off from him all prospect of promotion, or of retirement on any sum in excess of a Captain's pension. The hardship of the case was increased by the fact that the accident had occurred some eight years before, and that had the officer been then transferred to the Invalids, he would have gone into the corps on the old liberal rules;—whereas, from no fault of his own, he was arbitrarily transferred on conditions which most injuriously affected him, not only then, but for the whole of his future life. Lord Canning himself was struck with the hardship of the case, and he not only continued him in his appointment, but took an early opportunity of transferring him to a higher position, in which he was working when the order was issued for the formation of the Staff Corps.

Now, this was a case which peculiarly merited generous consideration. The officer bore a high character, had passed the necessary examinations, and but for the accident of having been transferred to the Invalid Corps in the height of the mutiny, he might have claimed to be admitted to the Staff Corps as a right. Moreover, this officer constituted then the sole member of the recently re-modelled Invalid Battalion, and the case could not have formed a precedent. Nor could a compliance have injuriously affected the public service. The officer had a staff appointment, the duties of which he performed to the satisfaction of every one; he simply could not make a long march on foot, but many who are in the Staff Corps could not do from obesity and other causes what he was unable to do solely from his wound, and besides,—he would never have been called upon to march. It would have been a generous consideration for a most deserving officer, had he been allowed to enter the Staff Corps. Well, he applied. His application received the strong and cordial support of the Commander-in-Chief,—Sir Hugh Rose,—a man who, his worst enemies will admit, would never have recommended an officer, physically incapacitated, to be brought back into active employment. It received likewise the support and recommendation of the Government of India. At the India House it was refused. A cold 'I cannot approve the recommendation' condemned a most deserving officer,

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sufficiently afflicted by a terrible wound, to spend all his life in India, shut out from him all prospect of ever again seeing his native land, told him that his services on the battle field, the long years he had spent in India, would receive no consideration.

Now we believe and we maintain that the spirit evinced in the three cases we have mentioned, has not only militated very much against the success of the Staff Corps, but has contributed enormously to the position which the Local officers have achieved. The determination to disregard the provisions of the very Charter of the new constitution, the Royal Warrant of January, 1861,—in spite of these remonstrances from the Government of India,— the closing the portals of the Staff Corps by purely technical objections to officers of peculiar qualifications, as evinced in the second,—and the utter disregard for the position and previous good service of officers, as shewn in the third,–have had a marked effect upon the minds and the tempers of the army. The local officers have watched with a keen glance all those jealous and arbitrary restrictions which have been imposed upon their Staff Corps' brethren, and the experience of these has stimulated them to fight bravely for the rights that yet are theirs. We confess we have been astounded at their success. In 1861, they were a scattered, disorganised body, with no plan, and no prospect of a plan, vainly and vaguely declaiming against injustice, and advised by the newspapers to put their trust in Sir Hugh Rose. What to do they knew not. Everybody was against them. They were Locals, and with that term was associated an idea that they were supernumeraries. As to their influencing the House of Commons, the very idea was considered as preposterous. On all sides they were advised to put their house in order. The effect upon some of the Local officers was extraordinary. Not a few, in panic at their future prospects, took the bonus and retired. Those who remained, however, resolved to die hard. By degrees they organised their forces. Obtaining in the House of Commons the generous advocacy of an officer of the Royal Service, known not only as a ready speaker, but as a man of inflexible resolution and iron will, they succeeded, four years after their dispersion and seeming dissolution as a corporate body, in beating the Government on what we have ever considered the weakest and least tenable of all their grounds of complaint. The volume at the head of this notice is, to use a technical phrase, through red in its color, their Blue Book; and it is certainly worthy of perusal, even if it be to illustrate the great results of which perseverance and persistence are capable. To Colonel North, the marshaller of the arguments which Captain Jervis leads into battle, the Local officers

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are under a deep debt of gratitude. His has been a labour of love, of love for the old service in which he was brought up. Into the arguments it is not necessary that we should enter, as the matter to which they relate has already been disposed of. It is probable that next year will see another battle on the floor of St. Stephens for the really well-grounded grievances of the Local officers, *viz.* compensation for the loss of their bonus-funds. Here they have a case which is in justice irresistible, and, under the joint management of Col. North and Captain Jervis, and supported by men so highly esteemed as Mr. Henley, Lord Stanley, and Sir W. Farquhar, we do not think that it can fail.

Aide-Mémoire to the History of India, compiled and adapted for the use of selected Candidates for Her Majesty's Indian Civil and Military services, and of schools, teachers, and students in general. By John Davenport, London. J. Davy and Sons, 137, Long Acre, 1864.

THAT work must be especially valuable which tends to produce in the mind of the student a classification of the different periods of the History of India, with an idea of the principal occurrences for which each is famous. The general ignorance of events, not of recent occurrence, that have occurred in India, is extraordinary. We are inclined to attribute this to the circumstance, that the popular histories of India confine themselves to the facts recorded by Mill, and in no case attempt to unearth any others. Considering what an immense amount of matter Mr. Mill's history keeps out of view, what really important events it ignores, and what trifling circumstances, if they but relate to the English, it magnifies and exalts, this result is scarcely to be wondered at, If the original is faulty the copy must be still more so. We had hoped that Mr. Marshman with his careful painstaking would have repaired this error, but he has evidently not gone beyond the India House for information. A greater mistake for any one writing a History of India there could not be. The India House contains records of all facts connected with the English in India, giving always the English view, and the English story even of those facts. But there are many parts of India, a connected record of whose history has never reached the India House, and which to the general reader, as well as to most Anglo-Indians, are as yet unknown lands. India is, in fact, in its inner history as well as in many other respects, almost an unworked mine, at which those who labour earnestly can gain hidden treasures of

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knowledge. We regard Mr. Davenport's book as a very creditable effort to supply a much needed requirement. It is exactly what it professes to be—an aid to the memory. But it has been most carefully compiled, and the best authorities accessible have been consulted. The notes are especially good. Small as it is, details are given which are to be found in no abridged History of India. It is defective only in those portions in which all Anglo-Indian History is defective. But as an *Aide-Mémoire*, it is very useful. One result of glancing through its pages would be, in many cases, to stimulate the reader to obtain more complete knowledge on the spot. It is difficult to read an abstract of any history without wishing to obtain some insight into the details, and if Mr. Davenport's book have this result,—one which we believe far from improbable,—it will effect more good in its generation than if it were to succeed in its professed object,—an object we abominate, —*viz*, in cramming the candidates for the Civil service with the leading known facts of Anglo-Indian History.

The Rent Question in Bengal, or should Act X. be altered? By Agricola. Calcutta, Printed at the Englishman Press, 2, Hare Street. 1865.

In this pamphlet of 41 pages, this very difficult question is ably and practically handled. The writer is of opinion that the authors of Act X committed the cardinal error of legislating, as if all cultivators, without exception, had proprietory rights and rights of occupancy. 'One of the faults,' he justly observes, 'of all our legislation in this country is, that there is only 'the life experiences of half a dozen men to guide legis-'lative measures on every subject. In India, we legislate 'in imperfect light, and as wider experience illumines our 'subject, and shews the imperfections of our former efforts, 'we have to undo what we did before, and build a new structure, 'which may be free from the mistakes of the former erection.' This is most true. We will not enter into this place into the reason why this should be so, but that it is so, no one will deny. It is too much the fashion of the present day to decry and depreciate Indian subjects, but unless a man is thoroughly conversant with the past detailed history of India and her people, it is not possible that he can legislate for their present requirements. It is a great mistake to imagine that a thorough knowledge of Anglo-Indian Regulations completely fits a man for such a task. That knowledge has, we believe, a directly contrary effect, unless

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it be accompanied by that other knowledge of which we have spoken. It is as bad, on the one side, as is the blind attempt, also the child of ignorance, to introduce the cumbrous and artificial land system of England, on the other. That Act X was the offspring of legislators but little cognisant of the real nature of the people for whom they were legislating we have always believed, but the good and pure intentions of the authors we have never doubted. It has acted, in its effects, as a revolution, and not altogether a silent one. Its chief defect in our eyes, was that it gave, we believe on the part of the authors unintentionally, power to the twelve years' occupancy ryot to become a middleman; to receive himself all the profits of the increased value of land, without himself tilling an acre of it, but sub-letting it at a greatly enhanced rent to another. There can be little doubt that this has been done, and that this may still be done. Other defects consequent upon its practical working, have been clearly and pointedly brought to notice by *Agricola*, himself evidently practically acquainted with its details. What, then, is the remedy which he would suggest? We give it in his own language, premising that in our opinion, if tedious in its working, the remedy will be sure and certain in its results, one that must be, from its fair and practical nature, eminently satisfactory to the lovers of justice and fair play amongst Zemindars and ryots.

'Having,' says *Agricola*, 'then admitted that Act X. was 'passed on insufficient *data* let us be careful to avoid the same 'mistake in future. Let the law stand as it is for the present. Let 'a Commission be appointed of three or more persons: not a Com-'mission which may *fix* pergunnah rates or in any other 'way *settle* rents by authority; not a Commission which may 'attempt the Herculean labour of adjusting the rights, tenures, 'and privileges of every ryot in Bengal, by proceedings similar 'to those on which settlements are now conducted on behalf of 'Government, but a Commission which, beginning with the dis-'tricts round about Calcutta, (which require immediate atten-'tion,) may visit every district in succession, and holding its 'sittings at the Sudder Station, or other suitable centre, may 'take the evidence of men of *all classes from each Pergunnah*, as 'to the rights, tenures, and customs, prevalent and admitted 'within the last ten or twenty years. The local Collector could 'select the proper witnesses to be examined, and the Commis-'sioners should hold themselves in readiness to receive any in-'formation from any direction, judging themselves of the value 'to be placed upon it. The whole of the evidence taken should 'be published from time to time as recorded. The information

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'thus obtained would supply a sure groundwork for future 'legislation, which would then be enabled to deal with *existing* 'rights, with rights which have come into existence under British 'rule, and which will be found to differ materially from those in 'existence when we became possessed of this country. That 'such legislation would be in the right direction there can be no 'doubt. The Marquis of Clanricarde well remarked in the 'House of Lords, on the 3rd July last, that he belived that above 'all things it was desirable in legislating for India to lay down 'no particular rule for the government of the whole country, 'but that in the regulation of each portion regard should be had 'to the *usages, customs*, and *laws already existing.*

'The next step to be taken should be to decide *what tenures* '*were entitled to protection.* Exceptional provisions ought to be 'made for the exceptional customs of certain districts. The 'customs of copy-hold manors differing widely from one another 'are respected under English Law, and no attempt has ever been 'made to apply the same set of customs to all manors. The 'tenures of Gavelkind in Kent and elsewhere, Borough English 'in certain cities, Ancient Demesne in the lands formerly be-'longing to the Crown, and Frankalmaign in Church lands, have 'existed intact to the present day in England, and no one has ever 'proposed for the sake of uniformity that one law should apply 'to all these tenures indiscriminately.

'Having settled what tenures were entitled to protection, '*let the rest of the land be disposed of by the landlords at their* '*own free will and pleasure.* Leave it to competition, such 'competition as now exists, or will presently be created. Be 'assured that both parties will find the measure of their own 'interests. There are many tenures of various kinds through-'out Bengal, to leave which at the mercy of the landlords would 'be wanton injustice. Find out what these are and protect them. 'But inaugurate no measure that will have the effect a pro-'spective section 6 of Act X. of 1859. Those entitled to pro-'tection being protected, and the rest left to competition, there 'will be sufficient of the latter element to prevent the stagnation 'and apathy which will inevitably result, if the ryots as a body be 'placed in position in which no external moral pressure will be 'brought to bear upon them. We have already seen in the case 'of Bengal Zemindars, how unable are the people of this country 'to create any germ of progress among themselves. Their own 'countryman, the first Native Judge of the High Court, has 'clearly depicted their indolence and lethargy in his judgment 'in the recent Rent Case. Make the whole body of the ryots 'independent of their landlords *now*, as we made the Zemindars

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'independent of Government at the time of the Permanent 'Settlement: and as it has been remarked that so ought we to make 'English Landlords but made only Irish ones; so surely will it 'be true that instead of making *peasant proprietors*, we will 'make *Irish paupers*. Let me quote, in support of the above, 'the opinion of an able Officer of Government (Mr. W. W. 'Bird) quoted by Lord William Bentinck in the Minute already 'alluded to: "Where as in India there is so little general in-'telligence and foresight and so much poverty, were large classes 'of men thrown entirely on their own resources, and removed 'from all connection with their superiors, to whom they had 'been accustomed to look up for aid, the consequences might be 'very prejudicial to their own interests as well as those of Go-'vernment." Sufficient healthy competiton may be introduced 'to prevent such an evil. Half a century hence those, whose 'rights are protected now, will have risen above the status of 'labourers, will let their lands, and be the germ of a middle class 'which shall learn to think and speak for themselves.

'The rights to be protected being defined, let a given time 'be allowed those claiming such rights to *register*. The present 'system of Registration might be made to meet the emergency, 'or a special office could be opened under the superintendence 'of the Collector. All tenures not registered within the time 'fixed by law should be disallowed. The party registering any 'tenure should define in writing exactly what rights and privi-'leges he claimed as the incidents of his tenure. He should 'also give a list of witnesses, and file all documents upon which 'he relied for proof in case of dispute, and no other witnesses 'should be called, and no other documents allowed, unless by 'express permission of the Court for reasons to be recorded. 'When a tenure was thus registered, notices should be served on 'the landlord and other interested parties, and advertisements 'should issue, calling upon all persons who had any objections to 'urge against the tenure being registered as belonging to the 'class, and having the incidents claimed for it to come forward 'and state their objections. If no objectors appeared within a 'given time, the right claimed should be definitively registered, 'and should become *indefeasible*. If objectors appeared, the 'parties should be referred to the proper Courts, the decision of 'which should certified to the Registration Office.'

These suggestions contain a great deal that is sound and practical. The author is evidently a man thoroughly acquainted with his subject, and he writes from conviction. We have before us, in fact, a man who has been brought face to face with Act X in its' working, pouring out his whole heart on the subject.

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It is done too, on this occasion, in a manner so clear and forcible, so utterly above the cant of writing up to the supposed impressions of people in power, that its effect, even in a country ruled on principles purely absolute, is sure to be very great, and we are prepared to find, in the course of the coming Legislative session, that it has been made the basis of reforms which are becoming daily more imperative.

The Code of Civil Procedure with notes of the cases upon it, decided in the late Sudder Court and in the present High Courts of Judicature in three Presidencies, &c. &c, &c., by L. Broughton, Esq., of Lincoln's Inn, Barrister and Advocate of the High Court of Calcutta. Calcutta: Published by Geo. Wyman and Co., 10, Hare Street 1865.

THE object of this work has been to present to the public a complete abridgment of all the decisions which have been given in the former Sudder, and present High, Courts, of the three Presidencies, on the Code of Civil Procedure since its introduction. It thus constitutes a work absolutely necessary to the barrister. The man who has it, at least, will possess an immense advantage over the pleader who has it not. The work is published opportunely, and it is especially valuable as forming, in itself, a complete resumé of the Civil Procedure of India, as it exists at the present moment. 'Any code of Procedure,' observes Mr. Broughton in his preface, 'however carefully drawn, must of 'necessity be, of itself, imperfect; and it is only by the col-'lection and arrangement of the different decisions, that accu-'racy can, in the course of time, be arrived at.' The collection and arrangement of the different decisions, here referred to, form a prominent part of the work, and constitute its most valuable feature. That this has been done with great care is evident even from a casual perusal of that portion in which the subject is treated. The decisions have reference to the various sections of Act VIII. of 1859, and serve to illustrate them,—to give to them point and meaning. The Act itself is given at full length, together with the various acts and orders extending to the Code of Civil Procedure,—a compilation which must have cost a great deal of tiresome labour. The appendix contains the various orders relative to the establishment of the High Court.

It is scarcely necessary to recommend a work which carries within itself the proofs of its value. It is impossible however for us to leave it unnoticed, and it is impossible to notice it without commenting on the careful manner in which it has been compiled, on its usefulness for the purpose for which it is intended.

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THE

CALCUTTA REVIEW.

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ART. 1.—*Minute of Governor-General of India on Municipal Government, August*, 1864.

AMONG the many *nostra*, which State quacks have suggested for the cure of the evils of the Anglo-Indian system of Government, none appear more plausible and more reasonable than the application to India of the time-honoured institution of unpaid and honorary Magistrates. The question really cuts deep into the foundations of Government, and touches the secret springs of the art of subordinating the many to the few in the interest of all, which is called Civil Rule. The subject has, however, been handled very superficially: the measure has a very liberal exterior, and is very easily brought into a nominal existence, and thus it has obtained favor in many quarters, and support from many men. As one of the phenomena of the times, though not likely to outlive the decade, it deserves at our hands a careful examination.

The Anglo-Indian Government has always set up the character of being conducted on the highest principles—that is to say, for the benefit of the people—the mass of our subjects. In spite of the abuse and contempt which have been lavished upon the grand old Regulations of Lord Cornwallis, no unprejudiced reader can rise from their perusal without a high idea of the benevolence and wisdom which dictated them. A great contrast is in this respect presented by the avowed principles and practice of the Dutch Government of Java, a Government essentially on low principles, under which the people went absolutely for nothing, and the energy of the rulers was directed to the expansion of a culture to benefit European speculators, and the shareholders a Home Company. So deeply engraved

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in the spirit and consciences of the servants of the old Anglo-Indian Government is the feeling, that the rule of the English can only exist, if it tend to the benefit of India, that it is to that instinct that we trace the otherwise unnatural resistance, offered by the public servants of an English Government to the English settlers, towards whom sympathy of education, country, and religion, would naturally have attracted them.

Another feature of the Anglo-Indian system was the entire absence of the aristocratic element which exerts so powerful an influence in the mother-country. A proper subordination of rank to rank, and grade to grade, in the official hierarchy, was found to co-exist without difficulty with a complete sense of equality of man with man. Every Englishman considered himself as good as any other Englishman. Even a wider phraseology has been assumed, and the whole community has been grouped upon a European platfrom. It is only with difficulty that the social distinctions of the educated and the gentle are maintained, and the distinction between classes is scarcely observed in a community, where every one considers himself just as good as his neighbour, and finding it convenient to ignore his own antecedents, spares himself the trouble of inquiry as to the birth and education of any one else. The same principle has been extended to natives, and the vulgar theory, that one black man is as good as any other black man, has often been offensively and practically acted upon. Indeed, one of the complaints made by the better classes on the conquest of any new province, is that the English try to be just to all, but make no distinction of persons. The civilly disposed foreigner treats noble and peasant with the same civility, and the man of loose speech and unrestrained hands, treats all classes with the same want of sympathy, and with the same disregard.

Till within a few years the idea of associating unpaid and honorary agents in the State machinery of Government never entered into the heads of any one, and when the convulsion caused by the Mutiny suggested the expediency and necessity of giving the upper classes some interest in the maintenance of British rule, the idea was in some provinces coldly received, in others it was so rashly worked out that the experiment has signally failed, and a reform, the germ of which was healthy, has become an object of ridicule from the folly of those who hastily adopted it.

Emphatically, in India we sit upon a volcano. We neither know, nor do we seem to care, in which direction the next eruption of compressed force will take place: that it will

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take place before long, there is no doubt. Some sudden spark may set a kingdom on a blaze, and if a European war were raging at the same time, we should be quite unable to cope with difficulties on a grand scale. All the plaster of European civilization will then fall off, and we shall find ourselves in a struggle with races, of whose aspirations, and of whose genius we are utterly ignorant. This is the vice of our centralizing and delocalizing system.

The Turkish Government have adopted, in their system of managing conquered provinces, entirely opposite principles. Instead of being rendered subject to all the laws of their Mohamedan conquerors, the Christian communities are allowed to govern themselves, and have no relations to the State, except that of paying tribute, and supplying soldiers. Although these communities are not safe from lawless acts of tyranny, and are reminded from time to time that they are a conquered people, yet they are never interfered with as the citizens of European states are, for the sake of uniformity and good government. Most of their institutions and laws are so completely their own, and administered by themselves, that they might almost be said to form independent republics in the midst of a Military Empire. Moreover, the Heads of each nationality are in the pay of the Government, and find their own interest and their own dignity in maintaining the existing state of affairs, and under ordinary circumstances would be the first to convey intelligence of an impending storm. Such a system of rule is incompatible with the high notions of a Christian Government, which looks upon subject nations as solemn trusts committed to their charge in the great interests of humanity.

Is there, then, no way, in which the people of India can be employed to their own profit in the task of self-government? Are there no details of the executive and judicial machine, which can safely be trusted to honorary agency? Can no assistance be derived from the general public? Much every way, but that assistance must be sought for in a manner suitable to the habits of the people, and in a mode which harmonizes with those institutions which we introduced, and to those principles of good government which we cannot as Christians abandon. We proceed to enumarate them.—

I. Municipal organizations for executive duties.
II. City and rural Councils for the expression of opinions, and representation of grievances.
III. Honorary Police Officers.
IV. Arbitrators under the guidance of Civil Court and Jurors.

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V. Assessors in criminal trials.
VI. Jurors for discovery of local customs, or definement of landmarks.
VII. Tribunals of Commerce.
VIII. Honorary Boards of City Magistrates.
IX. Honorary Registrars of Deeds.
X. Councils for adjudication of trade disputes.
XI. Councils of conciliation in family quarrels.

It must be remembered, that in India there are no educated classes living on the capital realized by their ancestors. The service of the Government is the aspiration of the educated classes, and the remainder live by petty trades and manufactures, or by agriculture. It is true that every one seems to find unlimited leisure for holidays and pilgrimages, but this arises from the uneconomic distribution of labour, and the fact that at least three men are found doing the work which might be well done by one. The more wealthy classes are generally very luxurious and very lazy, and, as a rule, entirely devoid of public spirit. Power, if desired at all, is coveted as an instrument of oppression, an engine of revenge, or a means of unlawful gain. It must also not be forgotten, that in India race has trodden out or rather trodden down race, religion has jostled with religion, and the community itself, like the language which they use, and the dress which they wear, is made up of heterogeneous elements, which no time or art ever will weld or fuse together. Thus, in any attempt to make use of the people, we are met with irreconcilable claims of dignity, and inextinguishable animosities and contentions. A new element of discord is flung into a family by the unexpected and uncoveted elevation of one member to an unsuitable dignity, leading to false accusations, bribery, anonymous petitions, and even midnight assassinations. The gaols of some districts hold prisoners who might never have erred but for this additional poison introduced into the body corporate.

We proceed now to notice in detail the functions which may be entrusted to honorary agents.

I. Municipalities.—In every city or town there is the germ of this organization, which has only to be regulated and developed. We must neither be deceived by the snare of the reformed corporations of England, or the degraded shadow which has been allowed to survive in such countries as Turkey. It has been remarked by a writer well acquainted with the subject, that the municipal institutions of these countries amounted to little more than an arrangement for facilitating the collection of the taxes. Fiscal convenience was the end and object of the

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institution. Each district or town was assessed to pay a certain amount, and the re-partition of that was left to the Municipality. The system was, therefore, too intimately connected with a bad system of taxation to become the means of training a nation to freedom and justice. The alien ruler allied himself with the chief people in a league of plunder of the poorer classes. We must start therefore on the basis, that the Municipality have nothing to do with *Imperial taxation, or the administration of justice.* Nor should the absurdity be perpetuated of universal suffrage. If ever there was a measure likely to ruin the peace of an oriental town, it is this. The principle should be that of selection by the Government of a limited number, with reference to the peculiar size and constitution of the community for a fixed period. No hereditary claim should be admitted. The members must be of good character and repute, in full possession of their faculties, resident, and in tolerable circumstances. Their duties should be to provide for the conservancy of the town, and be the mouth-piece and representative of their fellow-citizens. Byelaws for their guidance should be drawn up, steering clear of the two rocks of slavish subservience to the officials of Government and complete independence. Gradually, as the art of self-government is learnt, and liberty is distinguished from licence, the reins should be relaxed, and the influence of the local officer be felt more by advice than by orders, and in this way the next generation may be trained.

By such a Municipality would be arranged the form which local taxation is to assume, and the mode of collection: penalties would be enforced on their prosecution. The assessments for the Municipal Police being a contribution to the Police fund of the province, must be fixed for the year in consultation with the officer of Government, but the remainder should be spent at the discretion of the committee subject to a formal audit and report. Conservancy, improvement, and ornamentation of streets, erection of public buildings, and the numerous petty details which vex the hearts of Magistrates, should be made over to the Municipal body, who will communicate freely but demi-officially with the Magistrate, upon whose intelligence, forbearance, and knowledge of mankind, much will depend. Unless there are funds to spend, such a body is not required. If they are properly contributed, the members should be allowed free scope to work, and not be crushed, or humiliated. At the same time there should be no plundering, no civil jobbing, no oppression of the lower classes, and, if the lethargy of the upper classes induce a stagnation, the officers of Government

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must resume those powers, which were delegated neither to be abused, nor to be neglected.

II. But another and more crying want will be supplied by such Municipalities. As already remarked, we daily walk upon volcanoes: we neither know the feelings of the subject millions nor do we care. It would be ludicrous, if it were not dangerous, to read the reports of some district officers vouching for the opinions of the hundreds of thousands whom he is supposed to represent. Round each European community, like flies round the honeypot, flutter and bask a few select sycophants and toadies, who represent, to the official eye, the general Public. As well-dressed natives, with a conventional fawn and flatter, they get access to the ruler, to urge their own or their neighbour's cases. At odd times, they feel the direction in which the Court wind blows, and trim their sails accordingly. Thus are accounted for the inconsistent opinions fowarded at different times from the same locality, being the reflection of the same thing through different coloured glasses. Moreover, there are subjects on which the best natives would give wrong opinions, or partial opinions. Let us reflect on the suggestions with regard to polygamy, divorce, or the treatment of women, which a Mahomedan deputy-collector of lax morality would tender, or the advice with regard to rent rates, which would be gleaned from a council of landowners. The only remedy to this evil is to hold periodical city and penal councils in each district, for the expression of opinions, and the representation of grievances. The city and town Municipalities and the village Headmen, as legally constituted, should be convened annually, and oftener if required. There is the common council of the district, or sub-division of district. The new measure should be propounded and explained. The secret grievance, long gnawing the vitals of the community, would there be boldly spoken out, or guessed from the murmurings. The corrupt official would there, by general acclamation, be denounced, many a mistaken idea would be removed both on the side of the governors and the governed, and even where we could not concede a cherished wish, or yield to a deep-rooted antipathy, still we could explain our motives, and ask for toleration to a measure in which concurrence is hopeless.

III. We now pass to the honorary police officer. The organization of the police has been of one great, though indirect, advantage, in that it has drawn a distinct line of severance betwixt the executive police duties of the public prosecutor and the judicial duties of the Magistrate or Judge. They were too much blended in old times, although essentially different. It is the duty of the policeman to take *passive* cognizance of every

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offence, and to report it in the diary, and to take active cognizance of certain offences, in which the State, as the representative of society, determines to prosecute. So also it is the duty of the general public to give information to the police of the occurrence of certain offences, and to assist the police under all circumstances. Then it often happens, that the people have the knowledge without the power or inclination to act, while the police who have the power are deficient in knowledge. Moreover, under the new procedure the proceedings of the police are brief and simple: he records no deposition, and hazards no opinion as to the guilt of the offender. The chief qualifications of a police officer are honesty, intelligence, and local knowledge, and these are often found in the person of the 'Rural Notable,' who is to be met with in every district, though under different designations. He is one of the people, but slightly in advance of his neighbours. Under the old regime he occupied a position of considerable importance, which he often abused, but under our levelling system he has been reduced below what is his due, and has lost a sphere of great usefulness. Such an individual vested with police powers and remunerated by an annual payment, supplies the hiatus, which yawns between the stipendiary police and the people. Nothing escapes his ken, and the real history of each mysterious occurrence, which baffles the alien detective, cannot long escape the influential denizen with his secret channels of information. We are, therefore, strongly in favour of this measure, but the selection must be cautious. If the class of men do not exist they cannot be created. Where they do exist, the precise duties must be explained. They must know what they may, or may not, do, and they must be carefully watched and loyally supported by the district officer. The snare must be avoided of attempting to encourage a cheap police in this way. It is not economy, but efficiency, which is sought for by the measure: a wise forbearance should be exercised, and technical errors be overlooked, if essential justice has been done.

IV. Arbitration has always been had recourse to in our Civil Courts, and provision is made to remunerate the arbitrators who are withdrawn from their proper duties. Under a native rule this is the only machinery for the adjudication of disputes: under our own rule it is a very favorite one, but when the court undertakes to execute the award of arbitrators, it must have some guarantee for the correctness of the decisions. The evil report, which has attached to this mode of employing honorary agents, has arisen from the unskilful and careless handling of arbitrators by judicial officers. It is not enough to make over the case to parties whose names are suggested by the litigants, but

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the issues must be carefully drawn, and the matter to be disposed of by the arbitrators must be set before them distinctly, and they must understand that beyond these points they must not go, and that their award must be so framed as to be capable of execution by the Court. With these precautions their awards should be final, except on proof of corruption or mis-direction. The greatest care should be taken to relieve the arbitrators from the irksomeness of long journeys and long delays, and the services of the same persons should not be repeatedly pressed; and never should distinguished, and respectable individuals be called upon to arbitrate in the petty concerns of their humbler neighbours.

V. As Assessors and Jurors in criminal cases, the better classes can be employed with great advantage to themselves and to the cause of justice. By the Code of Criminal Procedure provisons have been made, and one or other of these two alternatives must be adopted by every Sessions Judge. When jurors are made use of, their verdict is final, and here is the difficulty. Grave doubts are entertained of the entire suitability of juries, even where centuries and generations have made them part of our common law and common life; but the people of this country are timid, ignorant, and superstitious, and when juries are employed, we must take account for the escape of many an undoubted offender. With assessors there is not the same risk. When well-handled by the presiding Judge they form an important link between the witnesses and the Judge, the interpreters of many an imperfectly understood phrase, the suggesters of many a clinching question. The greatest pains should be taken to prevent their labors becoming irksome to juror or assessor, and some remuneration should be given, when real loss has been incurred. As a rule, the natives of this country can always find leisure for a holiday or a wedding, and should be taught that every good citizen must serve his country.

VI. Jurors to be convened occasionally for other purposes, and the discharge of duties, which no one but themselves can adequately perform. When a local custom has to be discovered, or a family or tribal law has to be placed beyond doubt, this can only be effected by the convening of the notables of the neighbourhood in sufficient number as to secure notoriety, knowledge, and impartiality.

VII. We pass now to Tribunals of Commerce. In no particular does the type of an ancient civilization appear more conspicious than in the mercantile relations of the people of India. Principles of book-keeping, laws of bankruptcy, partnership, and agency, a boundless system of credit and exchange, force themselves on the notice of the officer charged with the trial of

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civil suits. It is much doubted whether intricate cases involving questions of mercantile law are disposed of in a manner that is creditable to the Judge, or satisfactory to the parties. Often cases are kept back from the courts, and attempts made to work out a private compromise. It is, therefore, most expedient that Tribunals of Commerce should be constituted in all marts and entrepôts of commerce. A list of notable citizens of unblemished commercial reputation should be prepared, and a certain number each year should form the Tribunal, which should act in concert with the Civil Judge of the city without any independent jurisdiction. For instance, when a suit has been lodged in the Court, the issues should be carefully drawn, and the case then made over to the Tribunal, who would forward their award to the Court to be embodied into a decree: thus, the advantage of local knowledge and judicial exactness would be combined. Where the unpaid agent fails, is in want of system and exactness,—where the paid Judge fails, is in want of local knowledge and patience in unravelling complicated accounts.

VIII. Against any employment of individuals as Honorary Magistrates, and Honorary Civil Judges, we protest. The absurdities which have been perpetrated in this direction during the last seven years baffle all description. There is something on the first blush of the scheme so liberal, so practical, so English-like: visions are called up of the country Squire, not that he has always proved impeccable when the case before him involved the atrocious crime of poaching. But ever since the time that Lord Canning, himself sprung from the people, went in for aristocratic principles, the cry has been taken up by many popularity hunting politicians, who in their own country would be democrats. Thus, it has happened that in the Punjab and Oude, the wolves have been formally vested with judicial power over the sheep, and many a Jagheerdar and Talooquhdar, who had a few years before been shorn of powers to injure, which he had abused, found himself legally vested with powers Criminal, Civil, and (Heaven save the mark!) Revenue, over the unfortunate people, who by their ill-luck fell under his black shadow. The time may come when both the classes, above alluded to, may be extinct. If it be asked what is the difference between a Jagheerdar and a Talooquhdar, it may be replied that it is something like the difference betwixt a crocodile and an alligator, the same ravenous power, but a slightly different snout and a differently shaped, though equally capacious, jaw and belly. *Alieni appetens sui profusus*, is the motto of this class. They are ignorant, selfish, indolent, and have not any qualification for the distribution of

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justice, which, if done at all, is done by corrupt underlings. Yet while the greatest pains were being taken to improve the administration of justice, by the examination of Government servants, and the introduction of codes of law, at the same time these savages were introduced, and jurisdictions formed for their amusement, or gratification, or glorification. So over-sanguine were the partizans of this measure that in the reports of a province, famous for fulsome praise, we find that an actual change in the appearance of the people owing to this measure, is vouched for as visible to the naked eye. One native Magistrate is praised for the efficient discharge of his duties during a period, at the close of which he had not actually been invested. One kindly old Honorary Civil Magistrate at a loss how to decide a civil suit, ordered a decree for the plaintiff, and an order on his own treasurer to reimburse the defendant. Everything was gradually becoming 'Honorary' up to the time of the advent of the present Viceroy, an officer of very different experiences and sentiments. We believe that the tide turned, just when Honorary School Masters were about to be appointed. The next step would have been Honorary Surgeons and Vaccinators. The extreme left of this school proposed something like the abolition of all fixed tribunals, and the substitution of migratory Courts composed of white-robed agriculturists convened under shady groves to sweep up the petty disputes of the vicinage, and pass on. Common sense and a sense of ridicule triumphed, and these schemes have been abandoned. Some of these honorary officials died, some were dismissed for gross misconduct, or for political misdemeanor, and we understand that the number will not be added to. We heard the other day an axiom laid down, that all the loud-mouthed champions of injured Rajahs, the men who write little volumes in defence of native States, and in abuse of British Governments, invariably are found to have native domestic ties. We cannot vouch for this by an exhaustive examination of such brochures, but we can lay down another axiom, that the advocates of these wild schemes of honorary agencies, and making over to the people to do gratuitously work for the performance of which they are highly paid themselves, are generally busy triflers, with vast arrears of business which they ought to have got through.

The truth seems to be that so long as we collect the revenue of the country, we are bound to provide the best machinery for the administration of justice that is available; we are bound to seek out, and train in our schools and colleges, natives of good family, good education, and good repute, to pay them well, treat them well, control them well, give them a good day's wages for a

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good day's work, receive them with honour and respect, and excite them to secure a good name among their fellow-countrymen. Unpaid labour is notoriously bad labour; unskilled labour is notoriously bad labour also. It is idle to suppose that it takes years to qualify a man to be a surgeon, or a school master, and that any one is good enough to dispense justice. How little they know of the difficulty, who say so! Honest men have openly declined to undertake honorary duties, which must, if properly discharged, occupy a great deal of their time. Dishonest men will jump at such duties from the indirect advantages, especially as regards coercing or frightening the agriculturists, which they anticipate. We trust that this policy has worked itself out, never again to be had recourse to.

These remarks apply to the rural jurisdictions which have been carried out in the interests of districts for the express benefit of particular individuals, without the least consideration for judicial fitness. In cities and towns, however, there are sometimes found men of respectability and education, who, having retired from active business, are not unwilling to lend themselves to the service of Government, and constitute a Board of Magistrates for the disposal of petty cases. Their numbers secure honesty, the immediate presence of the Magistrate prevents abuse of power: the residence in cities guarantees a certain degree of education, respectability, and character. This measure differs *in toto* from the vesting a single ignorant jungle savage with power, at a distance from control, over the very people who require being protected from him.

IX. The idea of an Honorary Registrarship of Deeds has been suggested, but it appears to be just one of these duties which should be entrusted to a paid agency only, because unless honesty and accuracy are secured, the object of registration is lost, and the dispute is transferred from the question of the truth of the transaction to the correctness of the register. It is a mistake to suppose that in any part of the world people will be found to discharge any routine duty for strangers gratuitously. The Honorary Registrar would certainly, before very long, require an unauthorized remuneration to induce him to discharge his duties. Why not allow him fees at once? Then if fees are allowed, there is no difference between him and any other stipendiary. If the real meaning of the movement be to induce respectable members of the non-official classes to undertake the duties of Registrar on the authorized remuneration, there can be no objection, but such an employment is not honorary.

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X. A Court of Industrial Judges, or, in other words, a Council for the adjudication of trade disputes should be established in every large manufacturing town, to assist the Civil Judge in settling disputes betwixt workmen and masters. A difference composed by advice is better than a strife decided by a judgment. The Council should be elective, and composed of masters and workmen, and formed of two chambers. The former should assemble in private for the purpose of conciliation, and the latter in public to adjudicate in those cases where the friendly attempts of the first chamber have failed. It often happens that disputes with regard to wages or apprentices arise, which are entirely unintelligible to the ordinary Court, but which are capable of easy solution if brought before such a tribunal as we now propose.

XI. Councils of conciliation for family quarrels.

We cannot do better than quote an extract from an article, published in this country many years ago, and which fully describes the advantage and object of the Family Council.

'Numerous are the cases of discord in a family, which shall 'never see the light, but which, under the unfeeling policy of 'the Anglo-Indian Courts, are brought at once into the broad 'glare of the Court amidst the shame of the litigants, and the 'derision of the bystanders. Numerous are the cases of doubt 'and difficulty, especially in the family of the widow, the minor, 'and the issue of double or ill-assorted marriages, where the 'voice of legitimate authority is required to compose the strife, 'and arrange for the future. The sudden death of the head 'of the house sets rival wives, the mothers of rival families by 'the ears. Step-son is rancorous against step-mother. Each 'demands more, and gets less than his own right. The village 'or quarter of the town is scandalized at the curtain being 'raised, that screened the privacy of a respectable citizen, 'whose body, if a Mohamedan, is still feasting the jackals in 'adjoining cemetery, or whose ashes, if a Hindoo, are still tied 'up in a napkin, preparatory to their transport to the Ganges. 'Respectable men with tears in their eyes have sought the 'advice of the English Judge in such hard cases, and sought 'it in vain. There is no alternative betwixt dragging into Court 'the wife of their father, or submitting to be deprived of the 'jewels and paraphernalia of their own deceased mother. The 'accounts of the firm have to be laid open in full Court before 'half-brothers can relax the gripe on each other's throat, which 'commenced on the death of their parent. The minor is plun-'dered from want of system in his household. No dowry is forth-'coming for the orphan girl. For the settlement of such difficultes

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'the admirable institution of Family Council presents a ready 'remedy. Composed of the agnates and cognates of the family, 'it should be convened by the Judge. All attempts to deceive 'them will fall through: ordinarily they will have the credit at 'heart, and even supposing that they could not get the litigants to 'agree to their award, still their recorded opinion of what is right, 'and their discovery of the value of the property, will furnish 'the regular Courts with materials for a sage decree.'

There may be other occasions on which the assistance of the people may be solicited and obtained in the management of civil affairs: but it must always be in subordination to the constituted tribunals, and acting as an auxiliary, and not as an independent agency. We do not say that as the people are habituated to self-government, they may not be entrusted with larger powers. We see with satisfaction that natives are members of the Council of the provinces, and of the Council of the Empire. We are glad to hear of their forming themselves into associations, and assembling to discuss political questions. We are glad to hear of their establishing organs of public opinion, and availing themselves of all the constitutional methods of influencing, checking, and advising the Government. We rejoice to see them in high office, members of the highest Court of Judicature, and filling numerous stipendiary offices in every part of the Empire. What we object to is the tempting them by sinister motives to discharge the sacred duties of a Judge gratuitously. It is officially reported that one Honorary Judge does not like the trouble of deciding civil suits: he does not object to decide of revenue cases: probably he is a party concerned in them. Analyse the motives of any one of the petty chiefs, whom impulsive Governors have turned into Magistrates, Civil Judges, and Police officers, and they may be generally reduced to a wish to increase their own importance and feather their own nests.

We have the liveliest sympathy with the unrepresented people of India, scattered in their thousands of villages, congregated in their hundreds of towns. Many of the servants of Government, belonging to a school now dying out, have spent years among this people, and learnt to love and respect them: they have no horses or elephants to lend to the Englishman, no banquets or *nautches* to invite them to, they make no great show at a Durbar, but they are the people, whose interests should be dear to us. Our heart's desire is to see them educated and elevated, and in due time they will see many things more clearly than they do now. But the improvement must be upwards. With the hereditary scoundrel, who, gross, vicious, cowardly, ignorant, selfish, pitiless, places his bloated person betwixt the Government

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and the people, we wish to have nothing to do. In times past he may have had his use, but the present belongs to the industrious agriculturist, the enterprizing merchant, the men of education, and the men of character.

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ART. II.—1 *Report on the Administration of Civil Justice in the Punjab, for* 1864.

2. *Punjab Civil Code. Part II on Procedure.*

3. *Act XIX of* 1865 *(Punjab Court's Act.)*

THREE thousand years have now passed away since King Solomon wrote, as the sum of his experience of all earthly transactions, 'there is no new thing under the sun.' Although since then, the progress of the world in discoveries, both of practical and theoretical import, has been extraordinary beyond all calculation, and therefore in one sense we are ready to deny the proposition; yet in another sense we are bound to admit that it is as true as ever. Our life, modified indeed by the ever progressive changes of the civilized world, but still unaltered in its essential characteristics, runs on from year to year just as it did from the first. The topics which we discuss this year, may be new in form, but in their real nature do not differ from the subjects on which we dilated long ago;—senates meet, debate, and are dissolved, and we review their labours or criticise their errors; great men die and we write their epitaphs; new men come forward and we prophesy their career; and thus we do from day to day, not from year to year,—there is no new thing under the Sun.

Of no place in the world can this be said with more truth than India, and that notwithstanding the real and constant progress of the country, and the gradual development of its resources, which is steadily being accomplished, our duties, our troubles, our amusements, all recur with constant sameness. The daily journals score up anew the same kind of subjects; the season's ball, the hunting party, the station scandal, and the reported law case, again and again fill the columns, and we sigh for something new.

Our present subject forms no exception, for our reflections are excited by the perusal of one of those ever recurring publications, an 'Annual Report on Civil Justice'. Day by day our Judges sit, struggling through tangled mazes of lying evidence to find the right and the truth; and year by year their labours are tabulated, digested, and arranged, and then set forth in an 'Annual Report,' pointed with many a sententious paragraph, and adorned, perhaps with some flourishes of departmental praise, according to the taste of the compiling authority.

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The mention of a Civil Justice Report usually suggests no promise of interest for the general reader, and not much greater hope of reward to the philosophic enquirer, who desires to follow the traces of the march of intellect, or note the progress of law and social economy.

We say 'usually', for there are, no doubt, exceptions to the rule. Although it may be true as regards a report from a long established province where law and procedure are now very much what they were years ago; yet it cannot always be accepted as true when the report treats of the progress of a recently organized province which is in all the vigour of growth, and where law is being introduced step by step, so that its effect on the population may be traced from year to year. Even should the report of such province be deficient in ability of writing, or feeble in its generalizations and reasonings from observed premises, still its mere statistics have an interest peculiarly their own, and which will reward a patient examination.

Of all such provinces the Punjab is, perhaps, the most noteworthy. It is more advanced than the Central provinces, and others similarly situated; it has passed through more striking vicissitudes, and has been the object of more concentrated efforts of both physical and moral energy; while at the same time, the great variety of character, habit, and manner, observable among the many races that are to be met with in its social districts, affords wide scope for the study of the progress of social economy, and for the effects which British law and British civilization are producing on the wholely different classes, which together make up the population of the province. Nor is this the only plea we can offer for drawing the attention of our readers to the affairs of the Punjab. The public eye has, by the mere force of circumstances, and ruled by argument or the voice of the public press, been constantly attracted to the frontier province of our Eastern Empire, ever since the time when first the flower of Sikh chivalry gallantly but vainly strove against British power, till now when exhibitions of arts and manufactures are the order of the day, and the descendants of Sikh chiefs and Mahomadan princes are administering the internal economy of their own cities, and even dispensing justice to their own people, guided by English law and a reasonable procedure, while peace and harmony reign over all the provinces from the Indus to the rich plains of the Sutlej and Beas.

The Punjab has been the scene of so many stirring events, and has been the field of so many experiments, if we may so call them, in administrative Government, that all classes of mind turn to it with instinctive interest.

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Situated in the frontier of our Empire, surrounded, and partly inhabited, by wild and lawless tribes, it has ever been regarded both in a military and political point of view, as a province of almost incalculable importance. A campaign on the Punjab frontier excites more anxiety and interest than many an event of much greater magnitude in Hindustan proper; the skill and care too, that have been brought to bear on our dealings with the frontier tribes and neighbouring powers, must be admitted, even by those who do not approve the principles on which we have acted, to surpass in vigour of execution, and skill of management, almost anything they have witnessed in our relations with other states.

Physically and historically too, the province has always been a centre of interest. The archæologist traces with new delight the footsteps of the Greek invaders, whose relics in the shape of coins and carvings are to be found in various parts of the country. Every one of the five rivers is classic ground; and the northern frontier abounds with relics of an art that has long since passed away,—sculptured forms whose delicacy of workmanship, beauty of detail, and dignity of design may well excite the admiration even of the artists of the nineteenth century.

Not less remarkable are the natural features of the province. The botany of the Himalaya, with the curious study of climatic changes that belongs to it, the opportunities afforded for the comparison of its flora with those of similar elevations in other latitudes, and the experiments that have been made in introducing and acclimatizing valuable plants, tea, cinchona, hops, and many others, have all furnished an inexhaustible fund of interest to the scientific or economic investigator.

For geological studies there is, perhaps, no province in the world which presents more striking opportunities. In the Himalaya the primary and metamorphic strata are developed with a grandeur that fills the mind with awe, while lower down the beds of the Suvalik range have thrown a marvellous light on the study of testiary strata, and the fauna belonging to that period. Besides all this, useful mineral products are to be obtained in various parts of the Punjab mountain-tracts;—the purest rock salt, the finest iron, alum, borax, sulphur, petroleum, and even coal, —all come from the Punjab, and in the case of some of these products the rest of Hindustan is supplied from its markets.

But apart from all the interest that the natural aspect of the province is calculated to excite, there has been yet a greater source of interest, and that is the remarkable history of its conquest, its progress, and gradual settlement, together with

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the history of the career of the men by whom these changes were effected. That keener interest should be felt in subjects like these, is not wonderful, for such an interest is at once more natural, and also one which can be felt by a far larger class of observers. As men, we naturally take more interest in the acts of men than in the study of rocks, or in the search for remains of Greek civilization: all classes listen with delight to the recital of the exploits of British arms, while comparatively few care about Suvalik fossils or Himalayan flora.

The career of the British in the Punjab, especially when seen through the golden haze of the past, which hides many features and defects while it dims not the lustre of brilliant acts, is one most flattering to our nation. The conquests of the province, effected, after two arduous wars, against an enemy which met our onslaught as few have ever met it before or since, is one of the greatest triumphs in the history of British India; and it is impossible to review, without sympathy and pride, the progress of those efforts at good government, which ended in the complete re-organization of the country. We still read with eager interest, how skilfully Henry Lawrence guided the delicate politics of the Residency days, how earnestly John Lawrence toiled, nor spared himself for rest or recreation; how, when difficulties gathered thick and dark, and the second war was imminent, every man, soldier, or civilian was at his post; how Vans Agnew suffered, and how Edwardes and Lake fought before the walls of the guilty city of his murderers; and how when the last war was over, the Board of Adminstration was organized, and systematic Government begun, how Commissioners supervised, and Settlement Officers toiled, till the Revenue and Judicial systems were reduced almost to their present forms.

The officers who have worked in the Punjab, are, in truth, just the kind of men who cannot fail to attract public sympathy. They were not great statesmen, they were not profound lawyers, but they were gallant soldiers—hard working, steady men, whom difficulties could not daunt, no hardships overcome. They went about among the people, they decided cases on the spot with a procedure highly shocking, indeed, to the learned Counsel of the Inns of Court, but admirably suited to the time and to the people, and which was even refined and formal when compared to what had been in use before its introduction. If a crisis came, the energies of such men were at once called forth. In the hour of danger, in situations of unparalleled difficulty, they exhibited a skill in planning, and a courage in acting, which was at once the wonder of their enemies, and the glory of their countrymen.

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The days, indeed, of those troubles have now passed away; green fields and golden crops are now thriving over plains that were once red with the carnage of battle; but the old spirit of the Punjab has not died out. If ever the storm should gather again, no doubt there will be found men to face it as bravely and as skilfully as ever; we must remember also, that days of peace and progress demand no less ability of head and hand for good management; that in Civil Government difficulties arise and dangers beset, the conquest of which is no less a real triumph than the more brilliant victory of a battle field.

To the fame of the Punjab and its officers there are, no doubt, many detractors; men who sneer at Punjab reputation, and talk with many a contemptuous phrase of non-regulation provinces, of soldier-judges, and of magistrates who work in their shirt sleeves; of courts without barristers, and benches without legal formalities; but the very fact of the existence of such a class proves conclusively how wide-spread and sounding a name the Punjab has obtained.

We do not write for the purpose of exalting the Punjab, or panegyrizing the officers by whose labor it was conquered, settled, and ruled. Fortunately, such men need no encomiums; they stand on their own merits: we write simply to call attention to the singular interest which attaches to a study of the progress of the province, and also to show how excellent in all its essentials is the system of administration, which has hitherto been pursued in the Punjab, while at the same time we wish to shew what improvements are wanted to make it better still; above all, we write to expose the error of that ultra-conservative spirit which would restrain such progress, and would debar the province from the benefits of the improved laws and procedure that have been devised since its establishment, and are only waiting till energy and discretion shall put them into operation.

When we address ourselves to the study of the state of civil justice in the year 1864, we have to bear in mind that the province has now been fairly under British rule for fifteen years. We purposely omit from the calculation the previous years during which an attempt was made to govern the country under the nominal authority of the Sikh Durbar. Such a period can hardly be counted as a portion of our present systematic rule. We do not intend for one moment to deny that much improvement was effected during those years, by the earnest labour of that great and good man Sir Henry Lawrence, and by the officers who helped him in working out his

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wise and well-matured plans and principles. We cannot tell how far our present success may be due to the unceasing care and unrelenting labor, which prepared the soil for the growth that was to follow. We must ever remember that the first benefits of British justice, and the first blessings of a fair and equitable settlement of land revenue, were given to the people of the Punjab under the direction of Henry Lawrence, long before the faithlessness and corruption of the Sikh Government forced upon us the second war, and the permanent annexation which followed it.

We cannot but pause to contemplate with gratitude and pride the memory of him who was the father of all progress in the Punjab; whose name has passed away all too soon from the annals of the land for whose good he spent the energies of a life-time, and the lustre of whose name from the day when he was taken from the province, has passed to those who deserved it less, and who took his place, because they could follow out a theory which the mind of Henry Lawrence, honest as such great minds always are, could not agree to.

Notwithstanding, however, the eminent value of the preliminary labors of British officers during the days of the Residency, and of the three years which preceded the establishment of the Board of Administration, we cannot fairly speak of the actual commencement of our judicial system before the appointment of the courts of Civil justice, and the promulgation of these principles of Civil Law, which were to guide them in hearing and deciding suits. These were entirely the work of the Board. They arrayed the courts in several grades, much in the same manner as they are constituted at the present time. They made each court subordinate for the purposes of revision and appeal to the one above it, giving the upper courts power to revise and modify the orders of the lower ones, even though no regular appeal was presented; and this system of gradation prevails still, and has now been stereotyped by Act XIX of 1865. Such a system was eminently necessary for a province in which, at its first establishment, a number of officers, military and civil, without any special judicial training, were called on to hear and decide civil suits. Every one had to learn: in the course of the process many blunders were made and many points overlooked; hence it was impossible to render the orders of all grades of courts final.

The officers, who sat in the superior Courts, were, or were expected to be, men who had always great experience of work, if not legal knowledge and ability. To these alone could the giving of the final order be entrusted. The excessive wideness

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of appellate jurisdiction, and the extreme freedom with which appeals are allowed even beyond the legally fixed period of limitation, should always be curtailed as soon as the body of judicial officers in any province has attained a practical knowledge of the work before it, and as soon as the courts present a regular aspect. Such curtailment has, no doubt, taken place to some extent in the Punjab; we think, however, that the facilities of appeal are still practically too great; but we shall revert to the subject of appellate courts presently. The courts of original jurisdiction are guided in questions of law by the provisions of a treatise called 'Principles of Civil Law,' which was prepared under the sanction of the Board by Mr. Temple, under the direction of the then Judicial Commissioner, Mr. Robert Montgomery. This code was approved by the Governor General in Council, and has the force of law under the provisions of the Statute 21 and 22, Victoria Cap 106. It would be foreign to our subject to enter on a discussion of the merits of the work; suffice it to say that it is and professes to be nothing more than an elementary treatise, setting forth those plain and important principles which are the groundwork of law. A knowledge of these principles was considered sufficient for officers deciding the disputes of a simple and rustic population in which points of law rarely arose, and the decision of which was generally to be effected by the exercise of common sense, together with patience and care in ascertaining facts.

It must be admitted however, that since the first promulgation of the Punjab Code, the country has undergone much change. Commerce has been developed enormously; and, as a natural result, a new class of cases has arisen which are much more difficult to decide, and in which nice questions of contract law, of limitations of exchange laws, and the like, not unfrequently arise. This class of cases has been further augmented by the spread of European trade, and by the establishment of merchants, public companies, and trading firms, in the Punjab.

The increase in the more difficult suits has, no doubt, chiefly taken place in the large cities. Although the average value of suits in such places does not (except in the case of Delhi) show much above the average of other districts, this result is partly due to the still large majority of small parole and bonded debt cases; and the fusion of all into one general average almost precludes the possibility of a just inference; but practically there can be no doubt that there is far more legal knowledge required in the courts having jurisdiction in large cities and stations, than in those situate in purely rural and remote districts. It is, therefore, important (and this is generally

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attended to by Government) that the best legally qualified officers should be located in those places.* In cities too, besides suits pertaining to the mercantile classes, a considerable number of cases of disputed inheritance and succession, and of claims to land within the walls, come up for disposal: they often tax the legal knowledge of the Courts, and frequently demand a considerable knowledge of Hindu and Mahomedan law for their settlement. Still the change has not, on the whole, been so great as to demand an utter renovation of the text books. Notwithstanding the large increase in the numbers of such suits as we have described, the class of simple suits for debt, chiefly between the money lenders and the agriculturists, is largely predominant. In all these, and, indeed, in very many among the more intricate class, the qualities of strong common sense, untiring and determined energy in the ascertainment of the real facts, a good knowledge of the people, their character, their manners, and their language, are possessions far more valuable than legal acumen and technical knowledge.

If any one doubts this, he need only examine a number of the records of carefully decided suits in the Punjab, and he will find that there is scarcely one issue of law drawn to forty of fact.

The result of this is, that the principles of Civil law set forth in 1849 have held their ground till the present day: the requisite additions to them being provided for by the admission of principles of English law, derived from precedent or from the standard authorities in the various branches of legal literature. 'Whenever,' says Mr. Cust, 'the Punjab Civil Code 'speaks clearly on points of substantive law, it is of univer-'sal application without reference to the nationality of the 'litigants, and no foreign law can be imported to over-rule it. 'Whenever the Punjab law is silent, the Judge has then to 'fall back on equity and conscience, and a rule must be 'sought from the two great reservoirs of legal principles—the

* The work of Government in the location of its officers has been not inaptly compared to the work of the artist in Mosaic, who has before him various coloured fragments of marble each of a different hue or shade, but all capable of being fitted into to one part or another of the design, so as to form together a harmonious whole. A Government has under it a number of different officers, each with different mental and physical habits, tastes, powers, and capabilities; the art is to locate each in the position for which he is best fitted, and in which his particular capabilities will be most called into play. The more perfectly Government does this, the better will the province be managed, and especially so in non-regulation territory, where so much depends on individual effort and ability.

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'English and Roman laws. Where they agree there can be 'no doubt, where they differ the Judge must decide.' *

Much assistance has been rendered in the study of legal principles by the circulars of the Judicial Commissioners. Some of these are exceedingly valuable. But circulars, it should be remembered, lose their value by being imperfectly circulated, and rarely codified. Every five years at least the circular orders should be arranged, classified, and consolidated, and all the superfluous or cancelled orders removed. The imperfect circulation of these publications, above alluded to, also requires remedy. Instead of printing a sufficient number, and keeping a store of copies, which might be distributed or even sold to applicants, so few are now struck off that there is scarcely a complete set to be found in a district office. The circulars would be gladly purchased by officers collecting sets; † at any rate a sufficient number of copies should be sent to each district to admit of a complete set being put up for the use of each Court sitting therein. At present it is often impossible, without hours of delay, to obtain a given circular, especially if it is not of recent date. But the most absurd plan of all is to publish circulars only in the *Gazette*, without printing them separately at all. Circulars are usually quoted by their serial and general numbers and dates, not according to the date of the *Gazette* they appeared in. It often happens that a circular of June is in a *Gazette* of July, and the student has to take down a whole file, and waste much of his time in searching through page after page, till by some happy chance he hits upon the particular number containing the desired order. There is no index to help him, for that does not come out till the close of the year. All this trouble is the result of a silly attempt to save Government a few rupees, the amount of which is absolutely imperceptible in a year's account. When the type is once set up it practically costs no more to print a hundred copies than one. But to return to our immediate subject. The Punjab code, aided when requisite by authorities on English law, and also by the circulars of the Judicial Commissioners, and the published rulings of the High Court of Calcutta, forms a very sufficient reference

* Rulings of the Judicial Commissioners on points of law, referred by Judges of the Small Cause Courts.

† It would be a very good plan if the printing and publication of all circulars were entrusted to some one press or company. It might there be so arranged that officers could, by a yearly payment (just like a subscription to a newspaper), secure for themselves the receipt of a copy of every order immediately on its publication. Every careful officer would be only too glad to pay such a subscription, and thus all expense to Government in printing would be saved.

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for questions of law; it is very rarely that a case cannot be met by consulting one or other of the authorities enumerated.

Whether these laws may prove sufficient in years to come remains to be seen, but there is every probability that they will last quite as long as they are required, that is to say, until a great Civil Code shall be promulgated, and certainly if the province goes on progressing at its present rate, it will be quite ripe for the great code whenever it appears.

Still it must be admitted that there are some objections to be urged against the Punjab Civil law. In the first place, it is not good that the Judges should be left to search for rules of law from books each according to his own fancy. It would be much better if the Punjab code were amplified by authority from standard sources, especially in those chapters which deal with the subjects on which questions most often arise, such as contracts, torts, mortgages, or partnerships. We here take occasion to mention the very useful publication of a code, amplified somewhat in the manner described, by Mr. F. R. Scarlett. This book has scarcely received, in the Punjab, the attention it merits. It is of great use to the student, but would be infinitely more valuable if the new matter were more thoroughly incorporated with the old, and the whole published by authority, having, like the original work, the force of law.

Another point to be mentioned is the very unsatisfactory state of the law, as regards those questions in which the *lex loci*, custom, and the principles of Hindu and Mahomedan law, have to be consulted.

In such cases the Punjab code affords the most meagre information. To take, for instance, the case of Hindu inheritance. The code enumerates the first few relations that stand in succession, and then says that it is not necessary to go any further with the list. Now every body knows that sons succeed the father, and so on, and consequently disputes among the near relatives, notoriously entitled to the succession, are extremely rare; as to the mere question of preferential right, it is precisely among the more remote relations that disputes of succession occur, and on these the code is entirely silent. The different schools of Hindû are themselves conflicting on these points, and if the opinion of pundits be taken, it usually happens that no two of them agree, and still oftener there is no pundit in the district really competent to give an opinion at all; those who are referred to frequently quote a number of verses in Sanskrit, which they but imperfectly understand, and which often have nothing whatever to do with the case in question: in fact the pundits quote them merely because they do not like to appear

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ignorant of there own ancient literature. Owing to the uncertainty of the law, 'bywustas' and 'fatwas' are frequently taken by courts in the Punjab, although they are illegal and ought not to be, in themselves, the foundation of any judgment. We might multiply instances, both from the Hindu and Mohamedan law, but space forbids us.

In the case of a conflict among the schools of Hindu law, it should be clearly ascertained and anthoritatively laid down, that one school or the other, be it the Benares, or Mithila, or any other, is the one which obtains in the Punjab. The provisions of the law could then be clearly ascertained. Another very objectionable feature in the present practice is the excessive facility, with which what is termed 'local custom,' and even family custom (Kúláchár), is allowed to over-ride positive law. That some customs are of wide and, indeed, universal application in the province cannot be denied: such, for instance, are the rules that the daughters of landowners do not succeed to the inheritance of land, in preference to any degree of male relative, or that if a man dies leaving a widow and his son's widow, the latter has the preferential claim to the property on a life tenure: but well-ascertained customs might be reduced to writing and fixed, and then the objectionable uncertainty would be removed. Arbitration is a favorite resort when difficult questions of custom arise; by this means a settlement may be effected, but it is not easy to determine whether it is a really just one; and such decisions throw no real light on the points at issue; at any rate they do nothing towards the definition and right apprehension of the custom, so as to form a precedent for future action.

One of the most striking defects of the Punjab law is the want, both in law and procedure, of rules as to succession and inheritance in European cases, and as to the administration of estates.

But this state of things is greatly, if not wholly, remedied by Act X of 1865; and therefore it is unnecessary to dwell further on the subject.

We have been able only thus briefly and imperfectly to delineate the Civil Laws of the Punjab, as our principal concern is with the action of the courts, and not so much with the law they administer. It was, however, necessary to present the reader with at least an outline of the latter, otherwise our subsequent reflections would be, in many respects, unintelligible. We now turn to review briefly the present Law of Procedure by which the courts are guided.

The primary rules are contained in Part II. of the 'Principles of Civil Law,' above alluded to. We think that this part of

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the treatise is intrinsically inferior to the first part; but be this as it may, its rules answered well enough in the first days of our Government when we began to hear and decide cases in districts, where previously even an approach to a formal procedure had been utterly unknown. The people having little idea of time and its divisions, stringent rules for fixing the attendance of parties and witnesses were impracticable; the processes issued were in the simplest forms possible, and the instructions to the courts for carrying out their orders and decrees, were on the same scale. To take the case of execution of decrees; as nearly all the decrees were given for small sums, which could be realized at the worst, by distraint of the chattels of the debtor, nothing but simple rules as to the manner of such attachments are to be found in the code. The more complex forms of property, (so to speak) as incorporeal rights, bank shares, annuities, and salaries, were then almost unknown, and the code is wholly silent about them. It is not too much to say that the Punjab procedure law gives no information on two-thirds of all the questions of procedure that would arise in a more civilized state of society. We will go even further and say, that such has been the progress of the country during the fifteen years that have elapsed since the code was promulgated, that the existing law is practically useless in two-thirds of all the disputed points of procedure that come before our courts at the present time.* We are willing to make exception in favor of those districts where there are no troops, no British merchants, no large traders, and no banks, but in all stations where such institutions exist, and these are steadily increasing in number and importance, we affirm that our statement is strictly true. We cannot be charged with inconsistency in objecting to the present state of procedure law, while we consider the state of substantive law to be comparatively, if not positively, satisfactory. A country is ripe for a reasonably precise procedure, before it is ready to bear a very strict code of substantive law. People practise the usages of trade, and acquire property in various forms, enter partnerships and take contracts, while still in a comparatively uncivilized state; and long before they are educated enough to understand and remember minute rules of law. And in this country especially, it frequently happens that one party to a contract may be quite ignorant and simple, though the other party be wealthy and intelligent; indeed the majority of

* In some utterly rural districts, no doubt, these questions do not arise, therefore the difficulty is not felt. But it is no reason that, because there are some districts which do not require a better procedure law, those districts which do so require it, should be debarred therefrom.

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contract dealings, we should say, do exhibit this peculiarity. Hence in all questions arising out of such transactions, simple and general principles of law must be the basis of all judicial decisions, and real equity must be allowed free scope. This state of things may last out well for many years. But with procedure the case is quite different. It must be remembered that procedure laws affect the courts much more than the people, while with substantive law, it is, if anything, the reverse.

Procedure was invented to facilitate the despatch of forensic business, substantive law to create, define, and protect the rights of individuals and of the public. To shew the deficiency of the present Punjab rules, we have only to revert to the case of execution of decrees already alluded to. The rules are fitted for a state of society, when the only kinds of property which existed and need be attached, were household or shop goods, grain, trinkets, and the like: houses and land were but rarely seized on; the procedure rules deal only with these. The moment, therefore, that society has advanced sufficiently for other kinds of property to be held, and the courts have to attach bank deposits, Government and bonded securities, railway and other shares, salaries, debts, and so forth, the law proves defective. Attachments of such property cannot be effected by analogy with other attachments, for no analogy subsists. The courts in fact can only invent a procedure in such cases, and this uniformity, which is the soul of all reasonable procedure, is at an end. Moreover, the persons in whose hands these kinds of properties are held, on behalf of the owners, are under heavy responsibilities; they cannot give up these deposits and shares at the order of court without a due and formal * authority for doing so. Only fancy the manager of a large bank, responsible to his head office in Lombard street, being called on to allow the deposit of one of his constituents to be attached on the authority of a vernacular '*rúbkaré*,' such as would be sent to a tahsildar to attach the chattels of a villager! He requires a formal process in a language which he understands, definitely authorizing him, according to the provisions of a known law, to make over monies to the court. It should be remembered that we have only taken up by way of example, one single topic of procedure: if we were to examine others we should find the law equally defective; we cannot, however, do so without

* By 'formal' we do not for one moment mean, to have every process or document drawn up with all the ridiculous prolixity and complication of an English law paper. Such follies were only invented to provide fees for attorneys and clerks, and we trust the legal authorities will ever be on the alert to prevent, as far as it is their province to do so, such absurdities from taking root in the Punjab. All we contend for is clearness and precision in form.

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far exceeding the limits of a review. Whenever the code is silent with respect to any transactions that the courts have even occasionally to go through, it is defective, and hopelessly so; in a case of positive law, a Judge my decide according to analogy, equity, and good conscience, even where there is no rule laid down for his guidance, but in a question of procedure this is impossible. We have admitted already in a note the exception of those country districts, where the courts have to do with but scarcely any but simple agriculturists: we do not apologize for repeating ourselves here, since this point is made much of by those who oppose the introduction of a procedure code into the Punjab. We doubt, indeed, whether the number and importance of these districts is so great as the objectors would urge,—it is certainly decreasing rapidly, but, at all events, it is a very poor argument for withholding a good procedure law for the province, to say that there are certain districts where the old law does well enough. Let a good and complete law be issued; if in certain places a portion of its provisions do not come into use, the law will lie by; but at the same time there will be an uniform and satisfactory authority for settling questions whenever they do arise.

The objections to a new procedure law might, perhaps, have some weight if there was no code yet in existence, and it became a question whether it was worth while to undertake the heavy task of legislation for the provinces; but when good laws are already enacted, and are only waiting to be introduced, we think them futile indeed. This leads us to consider another point that is raised, *viz.*, that the Punjab Procedure Code is not the only law in the province by which the courts may be guided; since there are the judicial circulars, and also the ruling of the Judicial Commissioners, which direct that on points on which the Punjab Code is silent, Act VIII of 1859 is to be followed.

The circulars do not afford as much assistance in questions of procedure as they do in law; and as to this ruling relative to Act VIII, we consider that it is a complete admission of the insufficiency of the Punjab law *per se*. We are therefore much surprised at the earnestness with which the present Judicial Commissioner of the province deprecates, in the report before us, the introduction of the civil procedure code. We presume that Mr. Roberts does not disapprove of the rulings of his court as to the force of Act VIII, when the Punjab law is silent. If then those parts of Act VIII, which deal with points not mentioned in the Punjab law, are proper and useful, why is not the whole Act the same, even on points which the Punjab law does deal with? In other words, eliminating those parts of Act VIII, which are not met by any

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provisions in the Punjab code, there remains the rest of the Act covering the same subjects as the code; in what respect, we ask, are the provisions of the Board's code better then those of Act VIII? And if some parts of Act VIII are confessedly good for the Punjab, why not the whole Act?

There is another strong point in favor of the introduction of Act VIII, either in its present or in an amended form. And, that is, that it is actually in force in the Punjab in all the Small Cause Courts, which decided, in the year 1864, more than one fifth of all the civil suits instituted.*

The present state of the Punjab procedure also results in much confusion and want of uniformity. The variety in the form of processes issued, is remarkable. Practically there are perpetual doubts as to which law is to be followed; each officer acts much according to his own opinion; one insists on carrying out the Act, while another is as eager for the code. Discussions between the courts on these points art not unfrequent.

The principal objections however, which Mr. Roberts has to the introduction of Act VIII or its revised successor, are based on a statement that these laws are 'elaborate and artificial.' How a procedure code can be any thing else but artificial we do not very clearly understand; such codes do not grow by nature, they are invented and put together by the skill of legislators to facilitate public business, and are, therefore, necessarily artificial. As to elaborateness we do not see how that is objectionable either. Elaborateness merely indicates that the law has been very carefully and deliberately arranged, and prepared with great labour, so as to ensure completeness in detail. The Penal Code (Act XLV of 1860) is, perhaps, the most elaborate piece of legislation that has appeared for years, in this or, indeed, in any other country, but we never heard any one object to it on that account.

We suspect however, that these terms are used without any very precise reference to their meaning. They are, in fact, synonyms for completeness and minuteness of provision for all possible question of procedure. If this be so, the objection fails entirely: for the fulness or completeness of a code affects the judicial and ministerial officers of the court, not the mass of the people. The Judges will have more to learn on the subject, and that is all. If the law is operating in a very uncivilized or rural district, a large number of its provisions will never be called into action, but the people will not be the worse by the existence of such provision, nor will the Judges be the worse for having

* The total number of suits in the province was 103,73, of these 22,976 were disposed of in the Courts of Small Causes.

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to study them. On the other hand, in large cities and stations, where greater difficulties and nice questions of procedure arise, there will be the inestimable advantage of a ready and authoritative solution to every question, instead of the hopeless efforts of the court to act without any definite guiding principle. We are unable to see, for instance, that the provisions of Act VIII of 1859, relative to the summoning of defendants or witnesses, are one whit more difficult to understand, or more troublesome to carry out, than the loosely worked rules of the Punjab code on the same subject. If they are more minute we think that it is infintely more troublesome for a Judge not to be told by law what to do at all, than to be given minute instructions for every possible case that may arise. It is remarkable also, that Mr. Roberts should have taken the absence of judicial training of the Judge in the Punjab as a ground for objecting to a good procedure law. We should have thought that the less trained a person was in judicial work, the more he needed precise information and instruction on procedure. To conclude our arguments in favor of the introduction of a new procedure law, we shall only advert to the analogy of the Criminal Procedure Code. Act XXV of 1861 is at least as 'elaborate and artificial' as Act VIII of 1859, and yet no one can deny that it is working admirably, and that its introduction, notwithstanding certain defects in the Act itself, has been an unmitigated benefit to the province. Why a good Civil Procedure should be expected to prove otherwise we are at a loss to conceive. In advocating the supersession of the procedure of the Punjab code, we do not mean to bind ourselves to support either Act VIII or its proposed successor, which Mr. Roberts describes at 'double its length and still more elaborate.' We are perfectly willing to admit that there are defects in Act VIII, as far as Punjab courts are concerned: for instance, the provision of the Act as to the distinction in summoning a defendant for final hearing and for settlement of the issues, is perfectly unnecessary. To the revised Code there are still greater objections—it is much too prolix; it contains a number of needless provisions, it savours in many places of tautology, and, worst of all, it exhibits that want of the classifying principle which,—without detracting in the least from the well-earned reputation of Mr. Harington,—we must say, too often characterizes the Acts drawn up by that eminent lawyer. The want we refer to is exhibited by the manner in which various provisions on the same point are scattered through widely different sections of the Code, so that when these are all taken together, they are found to qualify, and sometimes apparently to contradict, one another.

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This is not the place, however, for a criticism on the new code; and we will not dwell longer on the subject; indeed, reflections on its possible operation as it stands would be premature, since the code is not yet beyond the reach of amendments and alterations. To express an opinion merely in passing, we doubt whether Act VIII, slightly altered, would not be the best law for the Punjab.

It is now time to consider the action of the Civil courts.

The jurisdiction of the courts has just been fixed by Act XIX of 1865. Previous to that, the powers of different officers were described partly in the Punjab Procedure Code, and partly in certain circulars. The courts of original jurisdiction are the the district courts including courts of Tehsildars and courts of Assistants of three grades, having full, special, and ordinary powers,—the divisional courts, or courts of Commissioners, which hitherto possessed only appellate jurisdiction, but now can take up any important civil cases they please. The highest court, that of the Judicial Commissioner, exercises only appellate and divisional jurisdiction, and will probably soon be re-placed by a chief court, as described and legalized in Act XXIII of 1865. The Small Cause Courts are separate, and have jurisdiction under Act XI of 1865, &c.

The courts of Commissioners and Deputy Commissioners can try and decide cases without limit as to value. Assistant Commissioners with full powers try suits up to 10,000 Rupees: and Assistants with special and ordinary powers have cases up to 500 Rupees and 100 Rupees, respectively. Courts of Tehsildars exercise jurisdiction in cases within a limit of 300 Rupees, but every Tehsildar is appointed to a special limit as to the value of suits (within 300 Rupees) which he may try. Tehsildars only take up cases within their own tehsil, unless the case is specially referred to them by the Deputy Commissioner. Of the appellate jurisdiction of the courts we shall speak presently.

It will be thus seen, that Act XIX does not very materially alter the constitution of the courts from what it was before, except that it raises the powers of an Assistant with full powers from Rupees 5,000 to Rupees 10,000, and confers original jurisdiction on the divisional courts. The Act rather unnecessarily curbs the action of the local Government, which would occasionally find it desirable to confer powers on officers in particular districts, without reference to the class to which that officer belonged. Such authority is not given to the Government by the Act. On the whole it must be admitted that it is an advantage to have the Punjab courts constituted on a clearly defined basis; previous to this Act, the courts could not point to any rule which

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distinctly gave them existence and authority; these powers too were only defined in circulars, which differed from the rules of the Procedure law, and which moreover were never very closely acted up to.

Cases are instituted in court by means of petitions. These are received every day in open court by the Deputy Commissioner or his Assistants empowered to do so. The petitions consist not only of petitions of plaint, but also of criminal, revenue, and miscellaneous petitions relating to local funds, licences, pensions, and other money matters, to town rules and taxes, to applications for copies of orders, and many others too numerous to mention. The miscellaneous petitions having been referred to the proper authorities, the civil and criminal petitions are distributed among the courts, according to the power of those courts, and with reference to the number of cases previously on for the file of each. This is ascertained by reference to a register kept for the purpose. The civil petitions include revenue suits (as they used to be called), and those class of claims which are heard summarily.

Then each court gets a miscellaneous collection of civil and criminal suits simultaneously instituted, and they are all tried one after another to whichever side of the court they may belong.

Besides these, the courts have to dispose of a number of criminal cases, which are not instituted by petition in court, but are sent up through the police as Crown prosecutions. These usually arrive after the court has commenced sitting and cause further confusion.

This *melée* of work is the worst feature in the Punjab courts, and it is the most inexcusable defect, because it is one which might be so easily remedied. All regularity of work and the maintenance of a definite list of cases for trial, by reference to which suitors may know when their case will come on,—is quite out of the question. The court, let us suppose, has fixed a set of somewhat important civil suits for hearing on a certain day. The Judge has just entered on the work of the day, when a heavy case of burglary or murder is sent up by the Police, the immediate hearing of which is necessary, lest the witnesses should be tampered with; or perhaps there is a man *in articulo mortis*, whose statements require to be taken down at once, or some police officers have been called in from their most particular duties at a distant station, and cannot be detained. The civil cases are, therefore, postponed; and those appointed for the day in question are thrown upon the next day's file, which is, of course, broken up, and so on; and when this irregularity is caused,

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not merely by one case as described, but by a multiplicity of such interruptions, all regularity is out of the question. A court never knows what criminal work is likely to come in, and criminal cases cannot be deferred four or five days, as civil suits can, without inconvenience.

When cases are thus put off, it frequently happens that the parties who have come in for a case with their witnesses, finding their case postponed, go off home in despair; and then they have to be summoned all over again, or waited for till they re-appear. The parties are not to blame for this;—it is the system of the courts. It is marvellous that the average duration of cases is as short as it is. We suspect that these averages are not quite so accurately made out as they might be; we are quite certain that the statements, shewing the period of detention of witnesses, are largely manufactured without reference to facts; the lists from which these average and general results are deduced are altogether in the hands of native writers, and no kind of check is, or indeed very well can be, exercised over them, as regards a great portion of the subjects dealt with. In speaking too of the short averages of duration, it must be remembered that the great number of suits tried in the Small Cause Courts, if included for the purpose of striking a general average, largely effect the result.* But even if six days be the real average, we do not think it a very low one for suits, whereof a large number is for sums under ten Rupees. Certainly it might be made less, if civil and criminal suits were separate, and cases heard with regularity and despatch. There is another great evil attending the confusion of work in a Punjab court. The cases are rarely, if ever, heard on the days appointed, and consequently people are most lax in attending the courts. Now, of all business in the world, law

* In proof of the bad effects of the mixed duties of the district courts, we may mention, that the total number of civil suits disposed of by the assistants and extra assistants, 117 in number, in the year 1864 amounted to 29,777, while 8 small Cause Court Judges disposed of 2272 cases. Next, we must take into consideration the other duties of assistants: but supposing that each assistant only devotes half his time to civil work; then in order to decide the above-mentioned number of cases, 58 or 59 officers solely engaged in civil work would be necessary, (since 117 officers devoting half their time are equal to 58 or 59 devoting all their time.) Thus, under district procedure, it takes, in round numbers, about 50 men to do rather more than what 8 men do in the Small Cause Courts. We are willing again to make large allowance for the more difficult nature of suits in district courts, for the necessity of a full record and judgment, and for the punctuality which is enforced in Small Cause Courts (and ought to be in others): but having done all this, the disposal of work in district courts is out of all proportion to that of Small Cause Courts, and we cannot but attribute the difference to the clumsy system of the former.

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is pre-eminently that one of which punctuality is the soul. The people of the province are but little given to appreciating the value of time, and the irregularity of hearing suits tends to increase their habits of unpunctuality. Were cases called on one after the other as fixed in the day's list, a few suits would be at first committed or struck off on default, but in a very short time the people, always acute enough in what affects them in a pecuniary point of view, would learn to attend at the appointed day and hour. No injustice or even hardship is practically occasioned by committing a case, as the courts always allow re-institution; the plaintiff bearing costs wholly or partially, which serves to brighten his memory for the future.

At present a suit is usually not heard when it is appointed, but when the Judge can find time to hear it. If any one doubts these facts, let him only enquire from any intelligent Judge in a populous trading district, as to how he arranges for hearing his cases, and he will notice the same statement.

In no civilized country in the world, does one Judge attempt to dispose of civil and criminal cases all together, besides other miscellaneous work. The division of labor is not required according to the state of the people, or the law; it is simply an arrangement which benefits the Judge and the despatch of business: it would be absurd to say that the Punjab is not advanced enough for a division. It is strange that these things should not have attracted the attention of the higher judicial authorities; but the fact is, that these officers have very little practical acquaintance with the working of the courts. It will generally be ten to twenty years since a Judicial Commissioner or a Commissioner has been an Assistant, and things have changed entirely since then. It is by the Assistant Commissioners, and especially those with full powers, that the great body of original judicial work in the districts is done. Of their difficulties and irregularities in working, the upper Courts see nothing. The utmost that the Judicial Commissioner can learn, is from the records of cases which come before him for revision, or on appeal. The evils arising from the confusion of works do not appear on the record, except indeed it cause the occasional omission of technicality required by the Procedure Code. Generally speaking a painstaking officer is determined to work out his cases well, and seeing this, the upper courts fancy all is well, not knowing what difficulties are contended with, and how a little system and arrangement would lighten the work of the lower courts, as well as improve its character. Sometimes the appellate courts do, on revising the records, discover a series of omissions; a charge sheet is not sealed;

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a deposition has not a memorandum of attestation attached; but they do not see the cause of these omissions.

An officer in the confusion of his multifarious duties cannot help such defects, especially as there is little or no ministerial agency (as far as English writing is concerned,) to help him in carrying out the formal and technical parts of procedure. All these difficulties might be got over by the simplest system of division.

The younger subordinate Magistrates who are learning their work, must be left alone: practically the criminal work within their competency is but little; and generally their work is not heavy in quantity or difficult in kind. Hence a division in their offices is not so much required, and it is important that they should acquire experience in both branches of work. But with Assistants vested with full powers, the case is quite different: their work should be divided. Let one court sit on the criminal side, another on the civil, each for a certain period, and then change about; the one that took criminal work before, taking up civil for another period, and *vice versâ*.* They would not continue so long at one work as to forget the other.

In large districts where the work is heavy and there are several Assistants, two might sit for civil and one for criminal work, according to the amount of work on the different files. If there are native Assistants it would be very desirable to let them dispose of cases connected with marriage, betrothal, maintenance, and the like, which from their familiarity with the customs and character of natives, they are peculiarly fitted to dispose of. Every district officer must of course arrange according to the known amount of work that has to be transacted of either kind; practically, we believe, a suitable division could always be effected. If the work of either kind is so light in any district as not to afford sufficient occupation for one court by itself, then indeed the division would be less necessary.

The work would be so regularly and punctually disposed of under such an arrangement, that each court would leave very few cases undecided (especially in the criminal court) before the Magistrate gave up his seat. In rare cases where a suit did remain unfinished, he might dispose of it by a special hearing. In regulation provinces the work is separate, and we never heard any one make a difficulty, or say that the officers got no experience of work.

* This arrangement would completely remove the objection, that if officers did one kind of work only they would not become qualified to take charge of a district. By taking up each work in its turn they would not only do both, but do both better. Besides, the training for a district is, on the whole, more administrative than judicial.

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In answer to all this, some one, perhaps, will exclaim, that we wish to convert the Punjab into a regulation province. Not at all. In proposing to divide the work, we do not propose to introduce any thing that is not at this moment in the province. We do not alter the powers or the constitution of the courts at all; we merely wish to see confusion reduced to order, and chaos to classification; to change the over-worked Assistant,—striving to find time for his cases, and leaving his court long after all reasonable office-hours are over, and yet still surrounded by complaining suitors and witnesses begging to be heard and dismissed,—into a Judge who shall hear his cases with ease and punctuality, who shall rarely be compelled to keep his *assamis* waiting beyond the day, and who shall be able to close his court at a proper and fixed hour, thus affording reasonable relaxation to himself and the ministerial officers of the court.

We believe all this is quite possible, if only a division of work were ordered; at any rate the plan deserves to be put to the test of fair experiment. We do not wish to see the Punjab brought under regulation; we hold and avow the opinion, that even as it is, it is far better off than a regulation province would be under the same conditions. The objections offered to such a division as we have proposed are mostly futile. To the supposed loss of experience we have already replied; and as to the excuse that officers get tired of one kind of work, it is too silly to notice. We should think that any person with a moderately systematic mind preferred order to confusion, nor have we even heard this complaint from provinces, where the work always is, and has been, separate.

We have dwelt thus, at length, on a point which some of our readers may consider unnecessary; but the evil is practically so great, and the remedy so simple, that it seemed to demand special examination in order to bring it to notice. We now proceed to discuss some of the more salient points connected with the action of the courts, and especially those which have been taken up in the Report before us.

The first thing that has attracted Mr. Roberts' attention, is the scale of institution stamps for civil suits. The burden of his remarks is, that the costs of small suits are too high, and those of large suits much too low. 'The costs,' he says at paragraph 17, 'vary from 30 to 40 per cent. on the claim, in the smallest suits 'to less than one per cent in the largest.' The result deduced from the table, which follows this paragraph in the Report, is that in 1864 in the case of suits, not exceeding sixteen Rupees in value (which formed one half of the whole number instituted), the per centage of costs to value was 13 per cent., or including

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other costs as *tulubana* or Sheriff's fees, 26 per cent. Mr. Roberts adds that in some parts of India the costs are as high as 70 per cent. He therefore wishes that the scale of stamp fees should be re-adjusted, and that the costs for small suits should be reduced.

That suits for large sums are much too lightly taxed we fully admit; we believe that in all the higher suits the stamp fees might he doubled, if not nearly trebled, with perfect justice. On the question, however, of reducing the costs of small suits, we are bound to say that Mr. Roberts' reasoning is both theoretically and practically fallacious. He is wrong theoretically, because he has overlooked some material points which greatly affect the question; he is wrong practically, because no evil has yet arisen from the working of the present rule, and also because great evil would arise if it were changed in the way of diminution of fees.

In the abstract reasoning of the point, Mr. Roberts has altogether overlooked the real nature of costs. Costs are the price paid, in the first instance, by the claimant, for the assistance which the State gives him by its Judges, Sheriffs, Bailiffs, and other legal machinery, in recovering or establishing his rights. It is, therefore, not sufficient merely to balance the money value of costs against the money value of the claim. We must consider what the plaintiff can get done for the costs he pays, how much machinery he puts in motion to help him. Let us take the case of a man suing for sixteen Rupees: his institution stamp is one Rupee, his *tulubana* four annas. For this he can summon not only his defendant, but fifteen or twenty witnesses from all corners of the district into the bargain, and, perhaps, get a commission issued, as well, to examine a witness in another district. If his defendant or witness live in other districts he has to pay eight annas additional for postage of processes, and the summons can be sent to the very frontiers of the country. If a plaintiff can get all this done for one Rupee and four, or, at the most, twelve annas, we think there is no need for him to complain, far less for any body else to complain for him.

The objections to Mr. Roberts' proposal are extremely well put in the letter of Government, appended to the Report, and containing the Lieutenant Governor's remarks thereon. The letter deserves to be studied; it is full of good sense and shrewd observation.

'On the one hand,' writes the Secretary, 'the annually 'increasing number of petty suits shows, that the existing scale 'of costs is not preventive of free resort to courts of justice. 'On the other hand, the fact that 12 per cent. of the cases

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'are decided entirely in favor of defendant, and, of the remainder, '47 per cent. partially in favor of the defendant, shows that 'false and exaggerated claims are even now too numerous; and 'lastly, when it is considered that under the existing scale a 'suitor in the district court in a case of less than sixteen 'Rupees in value, can institute his suit, summon the defendant '(wherever he may be within the province), and an unlimited 'number of witnesses from the remotest corner of a district, 'for the consolidated sum of one Rupee six annas,*—the Lieute-'nant Governor is not prepared to support a measure which, 'by reducing the penalty on rejected claims, would tend to 'facilitate vexatious and fraudulent litigation.' This extract sums up the whole argument against a decrease of costs so well, that we need do no more than allude to the other practical objections against Mr. Roberts' proposal. The first is, that no body wants a reduction. Did Mr. Roberts ever hear any one in the Punjab complain of the costs? Is it not notorious that small suits are yearly increasing, and not decreasing as they ought to be if the pressure of costs is unjust? But Mr. Roberts claims sympathy for the debtors as well as for the plaintiff; he thinks the costs press heavily on poor debtors. In that case, we reply the debtors should either not incur debts, or should pay them off on demand, without driving the creditor to sue: in all cases where it appears to the court that the complainant has sued unnecessarily, the recovery of costs is denied him, and he has to bear them himself. If the costs were lowered there would be a greater tendency than ever for creditors to run to court without first taking pains to recover their dues by amicable means; and then the debtors would be more harassed than ever. The Commissioner of Lahore has some excellent remarks on too easy justice; he remarks that a suit is now so cheap and easy, that sums of money are lent almost without enquiry or security. It is worthy the attention of those who wish to lower stamp rates, whether the increased facilities for filing suits which would then exist, would not very materially affect the quality of evidence, if not of the stamp and registration revenue for bonds and securities, by inducing people to trust to a suit with parole evidence, instead of on written and properly attested bonds. On this subject it remains only to add with regard to the increase of duties in larger suits, that such a proposal would be carried out with great benefit to the revenue, without hardship to any one.

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* It should be *four* annas, or with postage twelve annas.

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Natives gladly pay any tax which is, or which seems to them to be, a remunerative one. No murmur is ever heard when the law fees are demanded, and when the new rule for the deposit of a fixed sum or postage (orignally twelve annas and only subsequently changed to eight annas) was issued; this too was and is still paid cheerfully.

Although it is quite foreign to our present subject, we cannot help here remarking how much better increased stamp duties, succession and probate taxes, and others of the same kind, would answer with natives, than that most vexatious and unequal of Indian taxes, the Income tax, about the renewal of which so much has been said and written of late.

We cannot leave the subject of costs without a few words on the other fees which are charged in courts besides the institution stamp; namely, the consolidated '*tulubana*' or Sheriff's fees. The stamp, the *tulubana*, and the postage, generally constitute all the costs that the successful party recovers; the miscellaneous costs and expenses of witnesses are very rarely asked for, and the great majority of the country people do not even know that they are entitled to recover them.

The *tulubana* at present is very badly arranged; it is supposed to be a fee which covers the costs of serving all the processes in a suit, yet it is fixed wholly with reference to the value of the suit, and not at all with reference to the number of processes issued.* The most absurd results follow. For instance, if a man claims sixteen Rupees, the *tulubana* for his suit is four annas, and for this he can issue a summons to a defendant, and an unlimited number of witnesses as already remarked: another man will file a suit for 20,000 Rupees, and pay as *tulubana* 300 Rupees;—yet probably having documentary evidence, he will need only two or three witnesses to be summoned in the case. The evil is certainly great, and it is proper to observe that we believe a change to be in contemplation. It is, however, an evil which, like most of those which affect the Punjab court system, lies upon the surface, and might be easily remedied, if only the liberal, energetic, and progressive element would become more prominent in the Judicial Commissioner's office.

* *Tulubana* is now taken by means of a slip of notice paper, on which a faint uncoloured stamp is impressed. Formerly law stamps of the required value were used, and subsequently the fee was paid in cash. This last plan is far the best, as it obviates mistakes and simplifies the accounts. The new impressed stamps are wholly objectionable: they involve extra accounts and a large amount of trouble to the treasury officer, and as they are all alike, it is next to impossible to ascertain their value; mistakes are consequently frequent.

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The simple remedy for the present state of things would be to make the *tulubana* have reference both to the value of the suit and also to the number of processes required; so that a suitor, however many or however few witnesses he required, need only pay a fixed sum determined according to the value of his suit for each process. Supposing the rate for a sixteen Rupee claim to be one anna per process,—a party requiring fourteen witnesses would pay fourteen annas: again, supposing the rate for a 10,000 suit to be fifty Rupees, if the party required two witnesses, he would have to pay a hundred Rupees, and so on. The details of the plan could be arranged without difficulty, and need not occupy us any longer in this place. We do not advocate in anywise Mr. Roberts' proposal to consolidate stamp and *tulubana*, because in that case the evil we complain of would be stereotyped, since the *tulubana* must of neccessity be regulated solely according to the value of suit.

The machinery for the execution of processes and service of summons is fairly successful, except in cases where it is necessary to send the summons or process to another district. In such cases, besides all the delays and inaccuracies arising from the postal arrangements, great carelessness is frequently, if not usually, exhibited, in carrying out the process when it does come: the issuing court has to send frequent reminders before an answer is elicited, and cases are kept long on the file. This point is worthy the attention of the Judicial Commissioner, being one of those subjects of which he cannot very well have any information. A regular system for the despatch of such work should be introduced, and a book having dates of receipt and return be kept up. The courts should be instructed to do their utmost to facilitate the proper execution of all processes, and to return them punctually.*

The arrangements for the ministerial duties of the courts are not good. The serishtadars and readers, in proportion to their heavy work and responsibilities for returns, technical accuracies, and the care of records, are very much under-paid; of course, they eke out their pay with bribes, which the people are still foolish enough to offer, although under the present system of compulsory autograph record of evidence and judgment, their influencing a decision is next to impossible; unless indeed the Judge is both dull in intellect and careless in work, which happily is not often the case. It is right to notice in this place that

* We believe the number of processes served beyond the limits of the issuing districts is very great; statistical information on this point would be useful.

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the mode of recording evidence and decision, both by the Judge in autograph, and by the writer of the court in the vernacular, is excellent; it is generally very well carried out on the Punjab, certainly far better than it is in many regulation provinces. But to return to the ministerial officers. If the serishtadars were much better paid, and really selected from good families, and were treated as persons of consideration and of dignified office, and were always obliged to be well educated and, if possible, to know English, the work of the courts could be far better done than it is at present. European clerks of the court are much wanted in the larger stations, where European suits and the issue of English processes are frequent. At present the Judge has to do all the technical and mechanical work himself. The clerks of the Deputy Commissioner's English office are generally overworked as it is, and cannot find time to do the writing of the courts, except after such delay as renders their help valueless.

In speaking of the improvement of the judicial agency of the court, we take occasion to remark on extreme injustice of the proposal, to take the accumulated surplus of the *tulubana* fees, and credit it to the general revenue for general purposes. These fees are charged on litigants in the Punjab for the express purpose of paying for the machinery of justice; when the country is crying out for increase and improvement in that machinery, it is in highest degree impolitic and unreasonable to take away provincial funds which might be, and were always, designed to be devoted to such improvement.* We must now hasten briefly to consider the kinds of suits instituted. They consist of (1) suits for breach of contract; (2) damages for breach of betrothal contracts; (3) suits for possession of wife, &c.; (4) damages for torts or personal wrongs; (5) suits for succession, rights, and inheritance; (6) claim to houses or land not involving question of inheritances; (7) suits for the right of pre-emption; (8) parole debt and bonded debt; (9) suits for debt on account, including claims of partners which depend on settlement accounts.

This classification is not intended to be a scientific or formal one, it only expresses in general terms the nature of the suits which are most common.

It is a pity that the report contains no kind of information as to the relative numbers of the various kinds of suits instituted. Such information would be of great value, by affording an index

* It is truly astonishing that such a proposal should have been entertained by Government at all: the tax in question is so ostentatiously taken to pay for sheriffs, bailiffs, &c., that it is as unreasonable to take it for general purposes, as it would be to devote the educational, or any other special cess to building barracks or fitting steamers.

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to the progress of trade, and the alteration of the habits of the people.

On the first kind of suits mentioned, there is little to be said except that such claims are greatly on the increase, especially in large cities where railways, timber contracts, building, and road contracts, are commonly undertaken.

The second class mentioned is also referable to the general head of contracts, but has been kept separate, as these cases are peculiar in their nature and procedure. They deal with breaches of betrothal or of promise of marriage, and are either between the parents or relatives of the parties to the betrothal, who are usually mere children,—or else, although rarely, between the parties to betrothal or marriage themselves, one or both being of age. This class of suits is very characteristic of the country; fortunately the Government letter already alluded to contains very noteworthy information on the subject.

It appears that suits for betrothal damages have nearly doubled in number within the last five years. In the Kangra district a system of registration of marriage and betrothals was introduced with a view to check the occurrence of disputes: special tribunals for hearing cases of this nature were also constituted. Notwithstanding these rules, which were intended to check the evil, the number of suits has, in the district in question, more than doubled during the year 1864. On the other hand, in the Delhi and Gurgaon districts, the number of such suits was remarkably low. The Lieutenant Governor asks if the facilities for evading these contracts are greater now than formerly, and if so what is the remedy? The remedy appears to us to be that the courts should not entertain cases at all, unless certain simple and well-defined conditions have been fulfilled by the claimant; such, for instance, as that the contract shall be in writing, and shall have been attested, and also registered at some appointed place.

The nature of these cases is probably well known to most of our readers. Two persons arrange for a marriage between their families; the one's son, let us say, is to marry the other's daughter. After certain preliminary offerings of sugar and a rupee, as '*shagun*,' or good omen offerings, and after the interchange usually of presents, the betrothal is considered as fixed. The future husband and wife are probably at the time little children, and the marriage is not to come off for years,—often a betrothal is from seven to ten years before the marriage. There is also a kind of second betrothal which follows the first, being a more definite agreement as to the marriage, while thirdly there is a last understanding of the parties by which the day of marriage is

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finally fixed. All these stages are gone through at different times, and a breach of promise my occur at any one of them. It frequently happens that in the course of the long time that must elapse between the first betrothal and the marriage, one of the parties finds he can make a new betrothal on more advantageous terms than the one he has already contracted, and he immediately breaks off with the first. Sometimes it happens that a rich man comes to the father of the girl, and induces him by presents to break off a match and give the girl to him, he undertaking to pay any damages that may be decreed against the father at the suit of the disappointed party. However, if it appears to the court that this has been done, the court can authorise the plaintiff to make the rich party, who procured the breach, a co-defendant. These cases are always tried with the aid of arbitrators appointed by the court, without, or, if possible, with, the consent of the parties, one arbitrator being appointed by each party; and the third either by the court or by mutual consent of the litigants. The court determines the fact of the betrothal; the measure of damages is fixed by arbitration. Although the courts do not allow either party to recover money actually paid as a consideration or price to the father of the girl, yet it is often very difficult to distinguish the presents made from the direct payment of a consideration, so that practically the damages awarded cover the expenditure. It is not too much to say that these cases are wholly in the hands of the arbitrators who decide them; the courts can rarely, if ever, obtain real evidence of the whole state of the case, and the causes which led to the dispute. These things are, however, well known to the residents of the smaller villages when the parties live in such, and sometimes hearsay evidence of what is notorious from the talk of the village is really useful as a clue to the case, far more so at any rate than the direct evidence, which is too often got up for the occasion with the requisite amount of coloring. The remedy for these evils is not difficult. The registration of all marriages and betrothal, by officers appointed for the purpose, should be made compulsory; besides this, the contracts themselves should be in writing, and the courts should be prohibited by law from entertaining any suit for damages, in which both the above conditions had not been carefully fulfilled. We think also, that the courts should not entertain suits for damages in cases when marriage is refused by one or the other of the parties betrothed in infancy when they come of age.

A similar law of marriage registration would apply also to another class of cases; those on which possession of wife is claimed. These cases generally commence with a petition on

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the criminal side against some one for abduction of the wife, under Sec. 498, Indian Penal Code. This is, on the initiatory examination of the complainant, in about 50 per cent of cases, ejected at once. The woman has gone, of her own accord, to her parents, or the marriage with complainant is not proved, or some other reason making Sec. 498 inapplicable appears, and the party is told that his remedy is in the civil court. Of course various grievances are alleged by the wife or the defendants, who are usually relations, who keep her from her husband; these pleas need no special mention. In many cases however, the woman denies marriage with the plaintiff; this plea is often true; it is often found that the woman's first husband is dead, that according to some custom she has been taken by the deceased's brother, or other near relative, and married forcibly. In such cases the the husband's friends readily give evidence that the marriage was performed with full consent, and the woman's denial in court is attributed to the promptings of the defendants. In other cases marriage is performed by mere capture, or by the '*chádar dálna,*' a ceremony in which a sheet is merely thrown over the woman by the man in token of her being made his wife; indeed, there are forms of marriage to which it is almost absurd to apply the name. In all these cases the courts should refuse recognition of the marriage, unless it was properly registered, and also had been performed according to some proper ceremony, recognized by orthodox Hindu or Mohamedan law.

All divorces ought also to be subject to registration; these form a frequent ground of defence in marriage cases. The Mussulman law permits divorce at the will of the husband; but a frivolous and capricious divorce gives a claim to recover dowry and damages. Divorces should, therefore, be registered and required to be in writing.

Following the list of suits filed, we may pass over without remark suits for damages or personal wrong, and claims to inheritance; we have already remarked upon the law in the latter class of cases, and as to the former we will observe that the amount of damages is nearly always arranged with the aid of assessors or arbitrators. In the case of suits for pre-emption which follows on the list, we think that the right is much too largely allowed by the courts. The real use of the privilege is to prevent the dismemberment of a village community, by one person in a village selling his lands to an outsider; to enforce the right in every case of the sale of house and land property in cities and elsewhere is carrying it much too far.

We now come to suits for parole and account debt. Almost every individual above the state of actual poverty

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keeps an account with some '*sahukar*' or money-lender, or with the *bunya*, or with both. The shop-keeper has his books, but his customer rarely has any memorandum of the transactions. As a general rule, accounts are kept with a fair amount of accuracy. Every now and then the shop-keeper and his customers have a settlement of accounts and strike a balance, which is commonly written down on the book and signed perhaps by the customer, and usually by one or two witnesses. Sometimes a separate memorandum, intended to be a bond, and written on another page, is drawn up; but this is useless as evidence unless it bears a bond stamp. It often happens that the account or '*len den*,' has gone on for years,—perhaps with the customer's father before him; old balances will have been struck and entered, and the subsequent items written after them till a new balance is struck, and so on. Each time the balance is struck it is increased with heavy interest, and so the account goes on till the customer turns round and impeaches the accuracy of the old balances, or objects to the heavy interest which the shop-keeper has gone on adding and adding in a style which bears no remote analogy to compound interest. Then a suit ensues. In a number of cases the accounts are not very lengthy, and the interest not excessive; in such cases there is no difficulty. The shop-keeper makes his claim, because he sees the customer flush of money from a good harvest, or a fortunate marriage, or some other cause. But in cases where there is a real disagreement, and the accounts are old and lengthy, the difficulty is much greater. The statutes of limitation do not apply, because the account has continued on both sides without intermission.

It sometimes, indeed, happens that in an old claim a creditor writes in two or three items of re-payment, in order to make it appear a running account, and bring it within the limit. He thus hopes to save the claim by sacrificing a portion of it, and expects that the fabricated item will escape without scrutiny as apparently entries against interest. The courts, however, have the option of throwing out the claim altogether, where this appears to be the case.

The evidence brought to establish claims on account generally consists of the shop-books, shewing the account, and probably also parole evidence to prove the striking of certain balances, and the admission of the debtor that they, as well as the interest charged on them, are correct. The reception of shop-books in evidence is, or rather is supposed to be, regulated by Judicial Circular, No XI. of 1859. This circular provides that certain bonds exceeding fifty Rupees in value shall not be admitted in evidence unless

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registered; and also that shop-books shall not be received at all unless they consist of both day-book and ledger. The operation of this rule usually forms a subject for discussion in the Annual Reports, and never fails to elicit a great variety of opinion. On the whole, we have no hesitation in saying, in the first place, that the circular, so far as it relates to shop-books, is not much acted up to in five courts out of ten in the Punjab, also that in cases where it is enforced, the appellate courts practically, if not verbally and intentionally, subvert it, by animadverting on the non-reception by the original court of books which really come under the excluded category. We do not object to the circular altogether, but we think that it ought to be a circular of admonition and caution rather than a positive rule.

It must be remembered, that the practice of keeping two shop-books, *i. e.*, both day-book and ledger, is utterly unknown to the great majority of shop-keepers in the Punjab. Of course regular sarâfs and large shop-keepers in towns and cities keep their books in both kinds, and with a regularity not surpassed even by a London firm; but all village *sahukars* and small shopkeepers generally never do keep both books. Where the single book is kept it consists of various pages devoted to the accounts of different dealers. The items are generally entered according to date in the day-book style, and are not, after all, so suspicious as would seem to be indicated by the circular. Cases of forged accounts are very rare, and are by no means difficult to detect when they do occur. The only common practice is the attempt to enter items of re-payment with a view to defeating the limitation law; this has been already alluded to.

The objections made against accounts by the defendants are generally on the ground of excessive interest, or the old balance is repudiated, or particular items are charged too high; but allegations of fraud and interpolation are rarely made (except in those general items of complaint which natives often indulge in, and which mean nothing).

From this we conclude that even when only one book is kept, that one book is generally speaking better proof than the parole evidence which is brought to supply its place if rejected. It is therefore questionable whether the circular in laying down an inflexible rule does not militate in many instances against the primary rule of all evidence, that the best which the nature of the case admits must be produced. The reader will observe that we only object to the rule which rejects the book *in toto*, and not to any rule which requires additional evidence to support it.

Where the book is rejected under Circular XI, the shop-keeper is not without remedy: the suit, which would have been one of

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accounts, is heard and decided on parole evidence, and the case passes over to the category of suits for parole debt. In some instances, no doubt, the shop-keeper induces his customer on assenting to his balance to write a bond on the spot, (so far the effect of the rule is not bad), and then the debt is treated as a bond debt. That this is the case is clearly shown by the statistics of the year under report, which shows a large increase in the number of suits for parole debt. The fact has not escaped the notice of the Lieutenant Governor, who, in the letter already quoted, naively asks 'whether the marked increase in suits for parole debt is to any extent attributable' to the operation of the circular.

We reply that most undoubtedly it is; not indeed that the 'keeping of accounts is discouraged,' as His Honor suggests; but that the people adhere to the immemorial practice, and sue for their balance as a parole debt when they cannot get their single book (which is all they have kept for years back) admitted as evidence. Much the same objections may be urged against the absolute inadmissibility of unregistered bonds. A bond without the sanction of registration may be indifferent proof, but parole evidence is infinitely worse: moreover, the court always sees the bond it rejects, and is usually, albeit tacitly, influenced by the sight. And here we cannot help pausing to reflect on the absurdity of all positive rules of evidence, which reject proofs which the human mind is so constituted as intuitively to accept, and be more or less satisfied by. Will any one pretend, that, when acting up to the circular, he has seen a bond which (though inadmissible from want of registration) is nevertheless obvious, genuine, and certified by persons of good name and character, and has rejected it from the record; will any one pretend, we say, that he is not influenced at all by it, and that he decides *solely* on the parole evidence adduced to supply its place? The fact is that such rules as Circular XI either go too far or do not go far enough. In cases where the law demands that the evidence of certain facts shall be in writing, and refuses to receive parole testimony in the point *at all*, if such writing is not forthcoming;* the principle is intelligible, and in some instances may be useful. If therefore the circular provided that not only should a single shop-book or an unregistered bond be inadmissible, but that parole evidence should not be allowed to supply its place, the rule, however hard, would be consistent and so far reasonable. But where the rule only rejects the book or bond, and allows parole evidence instead, its operation simply amounts to this,

* As in the case of a will in English law, when parole evidence is not admissible to shew the intention of the deceased or to prove a nuncupative will.

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that it excludes what *may* be bad in order to admit what is certainly worse. It may be urged indeed that when the book is rejected, it affords the court great scope for dismissing claims where it thinks there is a doubt, and the evidence is not perfectly satisfactory. In practice it is not so, and the appellate courts, which are generally over-lenient, always, as far as we know, upset decisions which attempt any action on such a principle. We call attention to the fact that the circular does not forbid the reception of parole evidence, because Mr. Roberts gives Col. Hamilton, the Commissioner of Delhi, credit for 'pertinently' remarking that 'the court is not bound to 'accept parole evidence, if it is statisfied that documentary evi- 'dence can be produced *or ought to have existed.*' The first part of the paragraph is true enough;—but there is no rule in the Punjab which provides that parole evidence cannot be received, when the two shop-books, or a registered bond, ought to, but do not, exist. The Statute of Frauds, and the law as to Wills, contain such provisions in English law, but there are none in the Punjab, and certainly Circular XI contains no such prohibition. On the whole, we think that unless the legislature is prepared to rule the rejection, *in toto*, of claims in certain cases not evidenced by shop-books in both kinds, or bonds registered in form, it would be better to leave the law only permissive and cautionary. A discretion should be allowed to the courts to admit books and bonds as corroborative evidence, but the admission should be accompanied by great cautiousness, and a strict watch over the parole evidence; the courts should also mark their disapproval of the plaintiff's neglect by refusing costs in all cases, where it appears that due diligence in keeping accounts and in providing for the proper evidencing of the claim has not been used. The appellate courts should also be instructed to uphold these principles, and not remand or reverse orders in cases where the lower court has deliberately acted on them.

Having thus briefly noticed the district courts of original jurisdiction and the suits they try, it will be proper to add a few remarks on the action of Small Cause Courts, and especially with reference to the finality of their decisions. Strange to say, Mr. Roberts appears to be opposed to the continuance of these courts, and that too in the face of evidence which would be, to an ordinarily constituted mind, conclusive in their favour. We are glad to see that this has been remarked by the Lieutenant Governor. The Courts of Small Causes *may*, with any other institution, be badly worked, but the remedy for that is very simple, if proper precautions are adopted by Government, who

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always take care to appoint the best qualified persons as Judges, —officers who, to a sound knowledge of the principles of law, add genuine conscientiousness, and an earnest desire to find out truth and administer substantial justice. The procedure of Small Causes Courts has all the precision and definiteness which the district courts are so deficient in. The work is disposed of punctually and speedily; parties are not detained long from their daily duties, and the decisions generally give great satisfaction. We believe that the number of false cases which obtain decrees, is very small indeed.

Much is said about the want of the right to appeal from the judgments of these courts, but it must be remembered that a reference to the Judicial Commissioner can be made by the court on points of law in which there is any doubt, and any party who thinks his case has been dealt with wrongly, can apply for re-trial before two Judges. If the grounds of such a petition are *primâ facie* valid, a re-trial *in banco* is always allowed, and we believe that the result is, in the great majority of cases, far more satisfactory than an appeal from the district court, to the Commissioner. As to the popularity of the courts there can be no doubt; not only are they eagerly resorted to, but personal testimony could be produced in abundance to show the general opinion regarding their working. One instance of this is given in the Government letter previously alluded to. Natives value quick decisions, provided speed is not attained at a sacrifice of actual justice, which, there is no reason to suppose, is the case in these courts. It is, therefore, strange to find Mr. Roberts objecting to Small Cause Courts: indeed, we cannot help remarking, throughout the whole Report, the extraordinary eagerness which he exhibits in opposing the introduction of every improvement, and every law which would be really beneficial, and which are urgently called for, while at the same time he is quite ready to propose changes which no one wants, and which, if carried out, would be most mischievous in their results. It appears to be just the same whatever the law is; be it Chief Commissioner's Act or registration law, or procedure code; it has only to be named to call forth the Judicial Commissioner's immediate opposition. In condemning, however, these conservative principles in a province where there is so much to be improved and so little worth conserving, we must not omit to commend to Mr. Roberts' notice really valuable proposal for the decision of suits by periodical sittings of Judges *in banco*, with powers of final disposal.

In the first place, the association of three Judges,—say a Deputy Commissioner and two Assistant Commissioners,—would afford

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a much better prospect of an accurate decision than is obtained by letting one Judge decide, subject to an appeal to another Judge who is not much more likely to be right, and certainly has less opportunity for being so than the first. In the next place, the Judges would themselves be much benefited by seeing and meeting with others, and hearing their views and interchanging opinions. An amount of activity in the study of law, and in the prosecution of intelligent discussion and enquiry would be developed, which could not fail to be beneficial. The scheme is one which would be very easy to carry into practice, and it would cause no extra expenditure. We believe that the people would infinitely prefer the judgment of a court so constituted, even though it be final, to the privilege of going, often scores of miles, to undertake the vexatious delays and difficulties of an appeal at the Sudder Station.

It is now time to consider the working of the appellate courts of the Punjab.

From the courts of Assistants without powers and from Tehsildars, an appeal lies to the Deputy Commissioner. This is quite necessary, as often officers, while new to their work, make mistakes, for which an easy and inexpensive remedy is requisite. On the class of appellate courts we have nothing to say, except that they work very well. The same success must be also attributed to the appellate court of the Judicial Commissioner; the judgments of this court are almost invariably sound, clear, and instructive. Appeals to the other chief court, that of the Financial Commissioner,—are not so satisfactory. It is hardly necessary to notice any remarks thereon, as the appellate jurisdiction in suits for land will pass away when the chief court is established. A Financial Commissioner is not necessarily required to be learned in law, and hence, appeals to his court are usually attended with most interminable delay; and much vexatious interference with orders on purely extra judicial grounds, is allowed. Appeals to the court, on every kind of subject, even in executive matters, appear to be admitted without any definite principle whatever.

From all Deputy Commissioners and Assistants with full powers, who are officers of longer standing and greater experience of work, appeal lies only to the Commissioner,—the divisional civil court. It is in these appeals that some improvement is required. Appeals lie in all civil cases, and can be preferred within a limit fixed by law. Commissioners, however, frequently ignore the limit, and take up the case whether legally admissible or not; this, however, is very much less common than it was some years ago. New evidence and new pleas are admitted in appeal; and the appellate courts are extremely and often erroneously

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permissive and loose in their treatment of law, and principles of the law of evidence are quite at a discount. It is rare if the appellate court does not direct the reception of evidence, which the lower court has rejected strictly in accordance with the law. But all these points are trifles compared to the inconvenience which results from the indiscriminate remand of cases for re-investigation. We have heard it remarked, that whoever is best at talking and puts on the most affecting appearance of injured innocence, gets the day. He may not, indeed, procure the reversal of the order, but yet it is sent back for 're-investigation.' The same thing happens when the case is rather long and complicated, and especially if there is a good deal to be said on both sides, leaving only a balance preponderating. Cases are also frequently returned for reference to arbitration. If the Court of First Instance does so refer a case, it is informed on appeal that it should decide the issues itself. If, on the other hand, the court goes carefully into accounts, and such like points, itself, on appeal it is ruled that such questions should be settled by arbitration.

We must not be understood to assert that all appellate courts in the Punjab act in this way. There are Commissioners, careful, clear-headed, and of sound judgment, who never return a case unnecessarily, and if they do return it, they present so clear a view of the law, and so luminous an exposition of the defects of the lower court, that the judgment is at once instructive and convincing. It is the utter uncertainty of appellate courts that is so objectionable. There are no definite principles by which these courts are guided;—little or no supervision is exercised over them, and there is no provision whatever made to secure a standard of legal knowledge and experience necessary to the due exercise of appellate functions. Every one qualified or unqualified becomes an appellate Judge in his town, officiating or permanent, by the mere force of circumstances. The Lieutenant Governor has noticed the large number of cases returned for re-investigation, but His Honor should enquire what the eventual results of the re-investigation in the lower courts are; we believe that we are understating the facts of the case when we assert that in more than 50 per cent of cases returned, the lower court adheres to its original order, either entirely or with very slight alteration.

As a general rule, when it does not appear on the face of the record that the investigation has been hurried or imperfect, and where the lower court has come to a distinct finding on a point of fact, that finding should not be interfered with. The original court having the witnesses before it, and being able to note their demeanour, to cross examine and to mark the style of

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answer, (all of which are important in judging of native evidence especially) it is much more likely that the court is right than the appellate court which has rarely any but the record before it, and the one sided special pleas of the appellant. We believe that the respondent is not as often heard in support of the lower court's order as he ought to be. The easy reception of new evidence in appeal is also to be deprecated. If a court writes a clear and decisive judgment, one of the parties perceives (perhaps by the aid of a sharp petition writer) that his case has failed from his inability to prove some point or other. He appeals, and having got ready some bazaar evidence on the point in question, repeats that the lower court would not hear his evidence, though he had it ready. In such a case the appellate court should instantly reject the proposed evidence, when it appears from the record that the point on which it is offered was distinctly put in issue by the lower court, and a definite negative finding recorded; and yet evidence like this is constantly accepted, and the case remanded. We could multiply instances, but this would lead us too deep into detail; we have said enough to show that some improvement is wanted; that it is necessary to define the principles of the action of appellate courts, and to make some provision for securing a necessary amount of qualification in the Judge.*

We have thus far noticed the subject dealt with in the Report; it remains only to offer a few remarks on the statistical tables which form the appendix. We have already alluded to the agency by which the records are kept from which ultimately these tables are compiled. We think that some of the statutes, at present collected, are unnecessary; or, more properly speaking, that they are unnecessary in the way in which they are given, though they would be valuable if prepared with reference to classes of suits, and not to all suits indiscriminately taken together. For instance, the fact that the average duration of suits in the province is sixteen days, appears to us of little importance in itself, whereas if the suits were first divided into classes according to their nature, we could learn that the average for suits for real property was so much, suits for contract so much, for parole debts so much, and then we should be in a position to judge whether the procedure and court machinery was good, and whether any class of cases exhibited a too high average.

* The stamp for appeals we think much too low, it might be increased considerably, and it would check vexatious appeals. We think too that a limit should be fixed as to the value of suits. We would admit no appeal (except in real property case) below fifty Rupees

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At present we know nothing. An average, that may be very great for a suit in parole debt, may be quite small for a suit of inheritance. A similar classification of suits would give great importance to the statistics of value: we should then get an insight into the usual value of contracts, of houses, of bonds, and of parole debts, in the country, and how far wealth, prosperity, and commercial enterprise are extending their influence in increasing the magnitude and value of the transactions of the people. The present general average shows nothing particular. The classification of suits for these purposes should be broad and simple; it might be such an one as we made for ourselves in an earlier part of this essay. Information is also much needed as to the number of suits in which the decree is executed through the court, and how many decrees are realized by distraint and sale of property. This point has been noticed by Government, and, no doubt, the information will be forthcoming in future years. Another point requiring elucidation has already been alluded to, *viz*, the ultimate result of cases remanded for re-investigation after appeal. On the whole, we think that far too much reliance is placed upon 'averages' as a test of the ability of officers and the efficiency of courts. It is to be feared that some less careful officers think more of getting their cases done so as to appear with 'a short average duration' than of doing real justice, and making exhaustive enquiries. The authorities while insisting on 'averages' foster this evil. But the average is really a very insufficient test of ability. One officer may seem to have a high average, another a low one; the latter therefore gets the credit of being far the best officer; but the facts may be really quite the reverse; for the one may have had chiefly hard cases of inheritance and the like, which always take longer than others, and may also have made good investigations, and sound, well-thought out judgments; while the other officer, praised for rapidity of dispatch, may have done nothing but little cases of parole debt naturally easy, and may have done them most superficially. Sometimes witnesses have to be summoned from a distance, and the delay is unavoidable; the fear then arises that the average will be spoiled, and the case is struck off on default, or got rid of on some technical plea. The Lieutenant Governor remarks on the number of cases struck off the files, and we are very much mistaken if their number is not due, in some measure, to the eagerness for short averages. Before quitting the subject of statistics, we cannot help noticing a puerility which is so strongly put forward, as to become really a curious phenomenon in the civil administration of the Punjab. It may be seen in every year's Report, and seems to

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pervade all classes of reporting officers; we allude to the supposed advantage of having a minimum number of suits pending at the close of the year. What the advantage is which so gladdens the heart of the Judicial Commissioner we are quite unable to conceive; we doubt whether the Commissioner himself could give any reason either. Cases are filed on every working day of the year, and hence, taking sixteen days as the average duration of a suit, it follows that a large majority of the suits filed on or after the fifteenth of the month (to say nothing of others still pending from other causes) must be undisposed of at the end of the month. No one seems to object to the number of suits pending at the end of January, June, or November, or May, but as soon as we come to December every one is frantic about the cases pending. Only one officer, the Commissioner of Lahore, has had the sense to see the absurdity of this: as he very justly remarks, not only is there no reason why less cases should be on the file at the end of December than at the end of any other month, but there is reason why there should be more, since the month is full of holidays, and the courts close on the 25th.

If petitions are fairly taken every day, the majority of those filed after the fifteenth will, just as in any other month, be pending. In short, the result of having no cases undisposed of at the end of December, can only be obtained either by great juggling with statistics, or else it is that officers refuse petitions during the last fifteen days of December, a proceeding which is, properly speaking, forbidden; or that law and ministerial officers combine to strike cases off the file without cause, permitting the case to be re-instituted on the re-opening of the court in January. It is also common to receive the suits, but not bring them on the list till January. Thus from a most absurd rule, much practical inconvenience results.

If no pressure were put on the courts to induce them to clear the files, none of this would happen. It is on account of the practical evils which follow, * that we have commented on what would otherwise be a point too ridiculous to notice. We hope that in future years, if the happy result of a clear file is attained on the 25th of December, the Judicial Commissioner will explain for public benefit what advantage results either to the courts or to litigants from this much cherished *optimatum*.

In concluding our notice of the Report we will only mention one desideratum as to its matter: and, that is, that the opinions of

* We do not mean to say that real injustice as to the merits of the cases in courts is ever perpetrated, but that vexatious delay, and sometimes expense, are inflicted, there can be no doubt.

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Commissioners and Deputy Commissioners should not be excluded from print. After the general report of the Judicial Comissioner, the reports of divisional Judges follow: but they appear to be carefully weeded of all opinionative and speculative matter, there being only the statistical paragraphs which occupy space to no purpose, since this information can be gathered from the tables in the appendix. The Judicial Commissioner is not obliged to assent to all the opinons broached; but the thorough ventilation of the subjects treated of in the Report is most desirable, and the matter is sure to be interesting. We are glad to see the usual formula of praise for each officer omitted in the Report. Officers, however, who really do distinguish themselves, should have their services acknowledged, but the laudatory platitudes of former years, bestowed on each and every officer indiscriminately, were simply ridiculous. It is time, however, to draw to a close our somewhat lengthy survey of Punjab Civil Justice. In summing up the substance of them, we would call attention to the extreme simplicity of most of the improvements required. Some of the objections made to the existing state of things are upon points so apparently trivial, that they would have been hardly worth noticing, did not these little matters come in the end to kindle a great fire of inconvenience. There are, no doubt, one or too great questions affecting the future civil administration of the province, and they require deep thought and full discussion. The majority of improvements, however, are simple and easy of introduction. That such is the case, no doubt, argues that the main principles of the system are right, and this we think no one, acquainted with the Punjab, will deny. We believe the justice is, on the whole, as fairly and as easily administered both to Europeans and natives, as it is in any of the courts of the regulation provinces; and that if the improvement suggested were carried out and a good procedure law introduced, they would be much better. We have found reason occasionally to differ from Mr. Roberts in regard to the views expressed by him in the Report, but we have no hesitation in subscribing to his opinion that the statistics of the province prove that there is to be found throughout the courts of the Punjab 'zeal, industry and attention, and a commendable and not 'unsuccessful endeavour to do substantial justice.' But the way to become better still is to advance with advancing civilization, to be a little before, rather than much behind the time; to be ready to weigh fully and impartially the merits of every proposed improvement, not allowing prejudice or habits to oppose a change where reason and expediency alike call for it. All institutions are either good or bad:

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if there is some good in any institution, and also much evil, and if the inconvenience arising from changing it is greater than the good expected from the change, then that institution must be considered for practical purposes as good, and be left alone, but if any arrangement is in practice bad, either positively or comparatively, let no prejudice or conservative principle oppose its change: the maxim for the Punjab, as indeed for every other community in a state of progress, is that which Tennyson has committed to a single stanza.

'Not clinging to some ancient law,
'Not mastered by some modern term,
'Not swift, nor slow to change, but firm,
'And in its season bring the law.'

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ART. III.—1. *Story's Commentaries on Equity Jurisprudence.*

2. *Spence's Equitable Jurisdiction of the Court of Chancery.*
3. *Tudor's Leading Cases in Equity.*
4. *Smith's Manual of Equity Jurisprudence.*
5. *Batten on the Specific Performance of Contracts.*
6. *Fry on the Specific Performance of Contracts.*
7. *Certain Cases, published in Sutherland's Weekly Reporter.*
8. *Section* 192, Act VIII. of 1859.
9. *Sections* 24, 25, 133, 134, 314, 315, 316, 317 *and* 328 *of the Amended Code of Civil Procedure, published in the Gazette of India of the* 28*th April* 1865.

IF one man make a contract with another and afterwards refuse to perform it, there are two modes of satisfaction, of which the *contractee* might avail himself against his *contractor*. He might bring an action for damages for breach of contract; or he might sue for the actual fulfilment of the contract itself. The latter remedy is known by lawyers as the *Specific Performance of Contracts*. This doctrine was discussed at the Session of the Legislative Council during the last cold-season (1864-65), in connection with certain Sections proposed to be introduced into the Indian Code of Civil Procedure, and the discussion will probably be resumed at the approaching Session. To those who take any interest in questions of Law Reform, and to the educated Anglo-Indian and native public at large, a short exposition of the doctrine in question may not be unacceptable. We shall endeavour in the following article,—

I. To set before our readers the principles upon which specific performance of contracts is decreed in the courts at home.

II. To point out what has been hitherto done in this branch of jurisprudence in India.

III. To discuss the new Sections of the Civil Procedure Code, which are intended to extend the hitherto limited applications of this doctrine by Indian courts of justice.

I. The specific performance of a contract is a remedy administered at home only by courts of equity. In the courts of common law a suffering party can only obtain damages for the non-performance of an agreement. But equity, in accordance

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with a well-regulated and clearly defined judicial discretion, enforces the actual accomplishment of the promise made by a competent party for a valuable consideration. While, however, damages may be recovered in a court of common law in every case of breach of contract, in which an action can be sustained under the practice and procedure of these courts, it is not every case of non-performance of an agreement that equity will hold to require her interference, and the peculiar remedy of specific performance. The broad rule may he thus laid down: *Specific performance of those contracts only will be enforced for the non-performance of which damages are not a sufficient compensation.* This will be better understood from a few examples. Chancery will not entertain suits for the specific performance of contracts for the sale of stock, shares, or chattels, because in case of a breach of such a contract other stock or shares can be purchased in the market, and if more than the contract price have to be paid, the difference can be recovered in an action for damages, and complete compensation obtained in a court of common law. Similarly, if a man contract to deliver so much wheat, or oil, or wine, and fail to fulfil his contract, the wheat, or oil, or wine, if of an ordinary kind, could be purchased elsewhere, and complete satisfaction recovered in money damages. But suppose the wine were of some rare vintage, which could not be had in the market and which was seldom or ever sold, here specific performance of the contract of sale would be decreed, because inasmuch as the wine could not be purchased elsewhere, damages would be no compensation for the breach of contract. Again, in the case of a contract for the sale of an estate, its situation, soil, and local advantages, the fine view from the house, and the fishing and hunting facilities, might give it a peculiar value in the eyes of a purchaser, so that damages, which would enable him to buy another estate of the same money value in the market, would be no real compensation to him for the loss of the one which he desired to possess. Naboth's vineyard is an example of a desire, by no means rare, to possess some particular plot of land in consequence of its real or fancied worth in the eyes of a would-be purchaser: and where the purchase is agreed to on any terms—fair and square to both parties,—equity will step in and enforce the specific performance of the contract. Similarly, if a contract were entered into for the sale of an indigo factory in Tirhoot or a tea garden in Dehra Dhoon, money damages for a breach and refusal to fulfil the agreement might enable the plaintiff to become the owner of a factory in Nuddea or a garden at Darjeeling, but then he might not wish to risk his capital in either of these places, and might be deprived of an investment for his money, unless the contract were specifically enforced.

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Equity will also interfere to enforce specific peformance, where the legal remedy is wholly wanting or is insufficient. The strictness of the common law forms at home would often leave an injured party without his remedy, did not courts of equity exist to supplement the system of the courts of law. The latter regard money as the measure of every loss, a principle which does not hold true in practice; but equity, by decreeing specific performance, will give what the injured party desires, and is fairly entitled to have. Again, a court of law cannot, like a court of equity, modify its judgment, so as to give complete compensation to all parties: or cannot, without a number of actions, arrange conflicting rights. Specific performance will often entirely simplify matters, and will be directed accordingly. As examples, where the legal remedy is wanting, we give the following: No damages for breach of contract to assign a chose in action could be had at common law, because such a contract is not recognized except in equity. An agreement evidenced by a bond given to a wife by her husband, or to a husband by his wife before marriage, could not be the subject of an action at common law, after the marriage as man and wife would be held to be one, and neither capable of suing the other; but it would be enforced at equity.

There being no distinction in this country between law and equity; or rather, the courts being all courts of equity, and the administration of justice being in no wise impeded by strict forms, which are fast falling into disuse at home even in courts of law, much of this part of the subject is quite inapplicable to Indian jurisprudence, and may be safely regarded as beside the object of the present disquisition. It becomes, therefore, the more necessary to remember the main principle, which ought to be as applicable in India as in England, *viz.* that specific performance should be decreed of those contracts only, for the breach of which money damages cannot afford complete compensation.

In order to give some idea of the manner in which equity proceeds in the application of the doctrine of specific performance, and of the grounds on which a discretion of refusing or granting this remedy is exercised, we shall give examples of cases in which specific performance has been decreed or withheld, and the reasons for the order in either case. Before doing so, however, it must be remarked that the remedy is mutual, and where equity will grant specific performance at the suit of the contractee, it will also be ordered at the suit of the contractor.

We have already seen why specific performance of a contract for the sale of stock or Government Paper will not be decreed. The same rule applies to shares, but where the shares in any undertaking are limited in number, and are not always to be had

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in the market, a contrary rule would apply for the same reasons. Specific performance will be enforced with respect to unique chattels, *e. g.*, the celebrated Pusey-horn, an ancient silver altar piece having a Greek inscription and dedication to Hercules, an heir-loom, a Queen Anne's farthing, or a diamond as celebrated as the Koh-i-noor. The general principle applies. No amount of money damages would compensate the injured party. A similar article could not, in many cases, be procured, and in other cases it could not supply the place of the object of desire. Again, where the party failing to perform his contract can supply the article in such a way as is essential to the requirements of the other party and no one else can, specific performance will be decreed. As, for instance, if a person, under an agreement to complete the new High Court buildings within a certain time, were to contract with an importer of teak timber for the delivery of a quantity of this wood for the floorings, and the latter being offered a higher price for his cargo to supply a ship-builder's yard, were to refuse delivery at a season when there was no prospect of other ships arriving in the port with the same timber.

Agreements to enter into partnership, which do not specify any limited term for the existence of the partnership, will not be specifically enforced. A partnership being, unless otherwise agreed, dissoluble at the wish of either party, the interference of the court would be useless, as such a relation might be dissolved the moment it was entered into. Where, however, the agreement is for partnership for a fixed length of time, and to furnish a fixed share of the capital, the case is otherwise, and specific performance will be decreed.

Agreements for hiring and service will not be specifically enforced, the relation created by these contracts being of too personal and confidential a character to be created against the will of either party. For the same and other reasons, agreements to marry would probably not be decreed to be specifically performed. Where the court could have no means of enforcing its own orders, as in the case of an agreement for the manufacture and sale of a *secret* medicine, specific performance will be refused. The recipe being a secret, the court could do nothing. The sale of the good-will of a business is another example of the same kind. Voluntary contracts, as they are called, when no consideration has passed from the party seeking performance, will not be enforced. As, for example, if a man were to promise to give another a horse or a diamond ring.

Contracts or covenants which are against public policy or morality will not be enforced; as, for instance, if a member of the Civil Service or an officer in the Army were to assign his future

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pay. It would in this case be contrary to the honor, dignity, and interest of the State, that its servants should be in danger of being reduced to poverty by anticipating their resources. Assignments, which involve champerty maintenance or the transfer of mere naked rights to litigate, would not be enforced. In some of these instances no damages could be recovered at common law, as these contracts could not be sued on.

The subject we are discussing will become still plainer from considering the defences which may be set up in answer to a Bill for specific performance. These defences are defined and illustrated by Mr. Fry in his able work to the number of twenty-four. Some of them, however, run into each other, and are not so much distinct defences as different divisions falling under the same head. Following Mr. Fry to some extent, we shall, however, distinguish the whole number under two separate classes. Under the first class will fall those which go to show, not so much that the contract should not be specifically enforced, as that there is no completed legal contract existing between the parties, which can be enforced. Under the second class will come those defences, the *gist* of which is that for some good reason an existing contract ought not to be *specifically* enforced. The defences of the first kind will, in many instances, afford a good answer to an action for damages, while it will be different with respect to those of the second kind. This, however, is by no means meant to be a very accurate statement, as there are many cases which will fall on either side of the line. The defences falling under the first class are as follows:—

I. The non-conclusion of the contract.
II. Incapacity to contract.
III. Illegality of the contract.
IV. Statute of Frauds.
V. Fraud.
VI. Defect in the subject-matter.
VII. Failure of the consideration.
VIII. Non-performance of conditions.
IX. Rescission of the contract.

I. It stands to reason that unless it be shown that the contract was concluded between the parties, there is no contract which can be specifically enforced. It must be clearly shown that the contract was concluded. If there be any doubt on the point, specific performance will not be enforced, though an action at common law may be brought in such form as the plaintiff chooses to select. As to what constitutes the conclusion of a contract, that will be specifically enforced; the law is generally the same as to contracts in general, only that it is more strictly applied. Proposal and

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acceptance of the *very* terms proposed without any alteration constitute a binding contract. If any change is made, there is no contract, because both parties do not agree to the same thing. A offered to purchase a house on certain terms, possession to be given on the 25th July. B agreed to the terms, saying he would give possession on the 1st August. Held that there was no contract. The most important kind of contract by proposal and acceptance connected with our present subject is, when a promise or merely a representation is made on one side, and acts are done on the other side, on the faith of this promise or representation. For instance, when the father of a young lady told a suitor of his daughter that she was entitled to £10,000 at his death, and it turned out that she had only half this amount, specific performance of this contract was enforced by recovering the other £5,000 from the father's estate. The representation must, however, be clear and absolute. If a father were to say that he *might* allow his daughter £ 10,000 at his death, or that it should be left to his own honor to allow this sum, there would be no binding contract, which could be specifically enforced.

II. *Incapacity to contract* is a question which involves the same discussion as at common law. Minors, lunatics, and married women, under English law, cannot make a binding contract. There is, therefore, no contract which can be specifically enforced. With respect to minors indeed a slight distinction must be made. They can sue, though they cannot be sued, upon contracts made with them. But specific performance will not be decreed, because the remedy would not be mutual. In addition to the incapacities to contract, which would furnish a good defence at common law, equitable incapacities must also be regarded in treating the present subject. Equity holds those incompetent to contract, who stand in fiduciary relations to each other, *e. g.* trustee and *cestui que* trust, guardian and ward, principal and agent. Specific performance of contracts between such would therefore, not be decreed, unless in very rare and exceptional cases.

III. The *illegality of the contract*, if proved, would of course be a bar to any rights being enforced under it. *Ex dolo malo non oritur actio.* The burden of proving this defence falls, of course, on the party impugning the legality of the transaction. The grounds, on which a contract would be held illegal in a suit for specific performance, are generally the same as would support this defence in any other action.

IV. The *Statute of Fraud* is a defence which we shall not here notice, as there is no law in India, which requires contracts

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to be put into writing. The law of Registration, indeed, might involve not dissimilar questions, and the non-registry of a contract, which was by law required to be registered, would, doubtless, be a good defence to a suit for specific performance. Whether part performance and some other acts, which have been held by the Court of Chancery to take a contract out of the Statute of Fraud, would have the same effect with respect to the law of Registration, is a discussion involving too nice points for our present purpose.

V. *Fraud,* when proved, vitiates a contract either at law or equity. Fraud may be waived, when the waiver is made with a full knowledge of all the facts. This defence requires no particular notice in connection with our present subject.

VI. *Defect in the subject-matter of the contract* is a defence involving almost the same points when pleaded in a suit for specific performance, as when pleaded in an action at law. Defects are of two kinds, *patent* and *latent.* Patent defects are no ground for refusing specific performance while latent defects are. To render a defect patent, says Mr. Fry, it must be an obvious and unmistakeable object of sense. If a man buy green cloth for scarlet, he has no one to blame but himself for not using his eyesight. With respect to *latent* defects, a defect known to the vendor but unknown to the purchaser at time of sale, will be a bar to specific performance: but it will be otherwise where the defect was unknown to both vendor and purchaser, as in a case which came before the Calcutta Small Cause Court some months ago, in which a person had sold what he had purchased as a Manton's gun and believed it to be so, but which was in reality a native made gun with that part only genuine which bore the name of the celebrated maker. To this rule, however, there is one exception, which has of late years been sanctioned by judicial authority. If the vendor be a person whose knowledge by reason of his trade or calling ought to be a guarantee that the article sold was what it was represented to be; as for instance, in this case, if the vendor were a gunsmith, the rule would not hold.

VII. *Failure of the consideration* may arise either by the existence of the subject-matter of the contract being determined, or by such injury thereto as will seriously damage the value. When a contract of sale has been finally concluded, the thing sold remains entirely at the risk of the purchaser. But any loss accruing before the final conclusion of the contract falls on the vendor. If a horse bought at the mart were suffered to remain for a day or two, and died on the following day, the loss would be that of the purchaser, even though he had never used the animal; unless indeed death resulted from the fault of the

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stablekeepers, or from some antecedent cause covered by a warranty. An agreement for the sale of a life annuity was concluded in England on the 28th February, the annuitant having died abroad on the 6th February. Such a contract could not be specifically enforced. There was, in fact, no contract, as the subjectmatter thereof was not in existence at the time of making the agreement. Similarly, where goods at sea were sold, which, before the time of the contract, had been damaged, and sold in a foreign port. Where there is a contract to do something which is legal at the time of contracting, but becomes illegal by statute before the time fixed for performance, the contract will not be specifically enforced.

VIII. *Non-performance of the conditions* is another defence, which might also be pleaded to an action of damages at common law. When the performance of any one stipulation is clearly within the intention of the parties, a condition precedent to effect being given to the rest of the contract; until the performance of such stipulation, the contract does not become absolute, and cannot be specifically enforced. Where companies have contracted for the purchase of certain land for railway purposes, and the making of the railway has been afterwards abandoned, it has been held that the making of the railway was a condition precedent to the fulfilment of the contract, and the abandonment of the line a good defence to an action for specific performance.

IX. *The Rescission of the contract* might also be pleaded in an action for damages. If the contract has been rescinded, it no longer exists to be specifically enforced, and the breach of what does not exist, cannot be the ground of an action for damages. The contract may be rescinded by consent of parties, or by what is called *novation, i. e.*, by entering into a perfectly new contract which supersedes and puts an end to the old one. The intervention of a new person or of a new term may be such a novation as will extinguish the former contract. Where a stipulation is introduced into a contract, that on the happening of a certain event, it will be void; this is generally construed to mean that the contract becomes voidable at the option of the party injured by the happening of the event, so that if he take any further steps amounting to a waiver, the contract will not have been rescinded, and may be specifically enforced.

We now come to the second class of defences, which are as follows:—

I. The incompleteness or uncertainty of the contract.
II. The want of fairness or hardship of the contract.
III. The inadequacy of the consideration.
IV. Want of mutuality.

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V. That the contract is *ultra vires.*
VI. Misrepresentation.
VII. Mistake.
VIII. The incapacity of the court to perform part of the contract.
IX. The want of a good title.
X. Default of the plaintiff, or acts done in contravention of the contract.
XI. The incapacity of the defendant to perform his part of the contract.
XII. The lapse of time.

I. *The incompleteness of the contract* as distinguished from the *uncertainty of the contract* is thus explained by Mr. Fry. Under the former head fall those cases where there is the absolute want of some term of the contract; under the latter those where it is not the entire want of the term, but the want of sufficient exactitude in it. The completeness is to be ascertained with reference to the time at which proceedings for specific performance are commenced. Where the want of completeness arises from the default of the defendant, as in the case of an annuity for three lives to be named by him, and he would not name them, this will be no good defence. In this case the plaintiff was allowed to name them, and specific performance was then enforced. The subject-matter of the contract, the parties thereto, the price and the terms, must all be stated in order to constitute completeness. With reference to the subject-matter, the maxim *id certum est quod certum reddi potest,* applies, and it will be stated with sufficient certitude if it can be understood from the description, even coupled with extrinsic evidence to show what is the subject of the description. 'Mr. Ogilvy's house' would, therefore, be sufficiently complete. Evidence could be adduced to shew what house was meant. With respect to the price, '£1,500 less than any other purchaser would give' was held not to be sufficient. An agreement to sell at a price to be fixed by two valuers would be complete enough, unless the valuers failed to agree, and there was no provision for appointing an umpire, in which case the contract could not be specifically enforced. But if the agreement were to sell at a *fair price,* the court would ascertain what would be a fair price. Incompleteness has been held to exist—where an agreement for a building lease did not state when the term was to commence, and when it did not state the length of the term—where it was not stated from what time an increased rent was to commence—where a contract for a partnership was silent as to the amount of capital to be provided—where a contract for a lease of lives neither named the lives nor settled by whom they

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were to be named. Instances of the uncertainty of the contract are—where Mr. Kean was under an engagement to perform at a theatre, but nothing was stated as to when he was to perform or in what character—where marriage articles were prepared by a Jewish Rabbi in an obscure form said to prevail among the German Jews—where there was an agreement for the sale of land for building purpose, but there was a doubt about the plan to be incorporated into the deed—where there was an agreement to give the plaintiffs accommodation for the sale of their articles in the defendant's refreshment rooms, and to furnish them with the necessary appliances. With respect to the defence of incompleteness or uncertainty, it must be remarked, that a decree for specific performance is an order to do a certain thing, and there must be no doubt about the thing to be done, while an action for damages demands reparation for the non-fulfilment of a contract about the terms of which, if it has not been fulfilled, there is nothing to be gained from discussion. In the one case a positive, and in the other a negative, proposition is to be maintained, and the former requires clearer proof than the latter.

II. *The want of fairness and the hardship of the contract* may be thus distinguished. The former has reference to existing circumstances at the time at which the contract is entered into, while the latter looks more to the results accruing from these circumstances being what they might reasonably be expected to be, or otherwise. Want of fairness and hardship must, however, be both equally judged of with respect to the time of making the contract, and subsequent events, wholly unlooked for, cannot enter into the calculation. The unfairness may be either in the *terms* of the contract itself, or in the *circumstances* under which it was made, as when one person takes advantage of another, who is intoxicated or under some undue pressure, to obtain his consent to an unfair bargain. When one of the parties knows and the other does not know: or when one of them suppresses a fact, which, if known to the other, would entirely alter his intentions, this will constitute unfairness. If A sold to B all his interest in a certain cargo at sea, both being aware that the ship had experienced rough weather, and *might* possibly have been lost, though there was a chance of her coming safe to port, this would be a good bargain. But if A knew for certain that the ship had been lost while B did not, this would be unfairness which would be a bar to specific performance. In the former case one bought and the other sold what *might* be worth nothing; but in the latter case, though B bought what *might* be worth nothing, A sold what *was* worth nothing. Where a contingency exists, it must be such to both parties. If one

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views it as a contingency while the other knows that it has been reduced to a certainty, this will constitute unfairness. The mental incapacity of the parties, though falling short of insanity, their age, poverty, the absence of proper advice, and other such matters, will be regarded in judging of the fairness or otherwise of a contract. Again, where the enforcement of a contract will cause injurious results to third parties, this will be held to be *unfairness* sufficient to stay the court from interfering. Turning now to the hardships of the contract, hardship is of two kinds—patent and latent. Where it is the result obviously flowing from the terms of the contract, which both parties have entered into with equal means of knowledge, the court will be very reluctant to admit the plea. Where, however, the result is not an obvious one, and it arises from something collateral and so far latent, that it could not have been present to the minds of the contracting parties at the time of making the contract, the case is different, and the court will accept the defence. The leading case as to the hardships of the contract is *the Duke of Bedford* vs. *the Trustees of the British Museum*. The Duke resided in Southampton, afterwards called Bedford House. In 1675 he conveyed to a Mr. Montagu adjoining land for building a mansion, Mr. Montagu covenanting with the Duke not to use the land in a particular manner, so as not to interfere with the Duke's enjoyment of the adjoining lands. Subsequently, these lands of the Duke were covered with buildings, and Southampton house pulled down to make way for streets and buildings, and thus the object for which the covenants of 1675 had been made, ceased to exist. When a subsequent Duke of Bedford sought to restrain the trustees of the British Museum, who claimed under Mr. Montagu, from using the land in a way at variances with these covenants,—sought, in fact, specifically to enforce those covenants,—hardship was considered a good defence.

III. The *inadequacy of the consideration* is a question which courts of law will not enter into, but in equity it will be considered, when it is so great as to be an evidence of *fraud*. Where, however, it does not amount to an indication of fraud, it will be no ground for relieving a man from a contract which he has wittingly and willingly entered into. To use the words of Lord Eldon, 'unless the inadequacy of price is such as shocks the conscience, 'and amounts in itself to conclusive and decisive evidence of fraud 'in the transaction, it is not itself a sufficient ground for refusing 'a specific performance.' Where an estate worth £3,500 was sold for £5,000, the inadequacy was held not to be great enough to be a bar to specific performance; but where land was sold for ten times its value, as the condition of a loan required by the

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purchaser, a poor and illiterate man, in order to prosecute a good claim to some valuable property, inadequacy of the consideration was held a good plea to a suit for specific performance. The adequacy or inadequacy of the consideration must be judged of, with reference to the time at which the contract was made, and not with reference to subsequent events.

IV. *Want of mutuality* exists where the contract is capable of being enforced by one of the parties, but not by the other. The simplest instance is a contract with a minor, who can sue at law while he cannot be sued upon an agreement made with him. Specific performance of such a contract would be refused to the one party against whom the other party could not have the same remedy. The mutuality must be judged of with reference to the time at which the contract was entered into. It will be no valid objection that the defendant subsequently lost his right to enforce the contract against the plaintiff. One very important exception to the above rule is, where the vendor not having the whole interest he agreed to sell, and the vendee not knowing this fact, the former cannot enforce specific performance against the latter, yet the vendee can insist on having all the vendor has to sell with compensation for the difference.

V. That the *contract is ultra vires* is a defence restricted to cases, in which one of the contracting parties is a corporation. Corporate bodies created for special purposes can contract only with special advertence to the purpose for which they were incorporated. Other contracts being in excess of their powers are void, and cannot be specifically enforced. A railway company is bound to employ its funds for the purposes provided by the Act to which it owes its existence. A contract to build docks, or improve the navigation of a river, would be *ultra vires*, unless these works were very clearly connected with the railway, and contemplated by the Act passed for its construction. If a company were incorporated by an Act of the Supreme Council for the reclamation of the Salt Lakes near Calcutta, a contract by such a company for the construction of wet docks at Kidderpore, or for bridging the Hooghly at Howrah, or for irrigation works in Cuttack, would be *ultra vires*, and could not be specifically enforced.

VI. *Misrepresentation* will be a good defence, when the person setting up this plea has been induced to enter into the contract through reliance on a statement actually untrue, which the other party, knowing it to be false or not believing it to be true, made for the purpose of bringing about the contract, which becomes an unfair one, in consequence of the fact stated being otherwise than represented. Where a person states what he believes to be true, but which is not so, both parties having equal means of

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knowledge, this will not amount to a misrepresentation. It would be no defence to an action at law on a contract, that a person having no direct intention to deceive made a random statement, which afterwards turned out to be incorrect. It is otherwise at equity, where a man making a statement must be reasonably satisfied of its correctness. It is necessary that the statement which amounts to a misrepresentation should have been actually relied upon by the other party. If he have resorted to other means of knowledge, and have relied on the result of his own enquiries, he cannot set up as a misrepresentation a statement upon which he did not depend when making the contract: and, even further, if a purchaser has means of knowledge within his power, and neglects to avail himself of them, he will be debarred from this defence. Misrepresentation differs from fraud in this, that the former may be the result of want of proper care, and may be made heedlessly from no bad or dishonest motive; while the latter implies a corrupt and dishonest intention.

VII. *Mistake,* to be a good defence, must be mistake as to *facts* and not as to *law*. In equity as well as at common law, the maxim *ignorantia legis non excusat* is followed. The mistake may be that of one or both parties. Where it is on the part of the defendant who would be the sufferer, it will be a good defence, if the plaintiff have in any way contributed to it; if it be the result of undue influence, mental imbecility, surprise, or confidence abused. Even in cases where the mistake is purely due to the defendant himself, the court will refuse to enforce performance, where the contract is clearly one which he would never have entered into, had he not labored under the mistake, and where an opportunity was wanting for that due deliberation, which in ordinary cases would have obviated such a result. Where an agent went into an auction-room, and having heard the description of a lot different from that for which he was employed to bid, but was under the impression that it was the same, and had it knocked down to him, specific performance was refused. The agent might certainly have informed himself that the lots were different, but he acted in haste and without much time to set himself right. Where the mistake is on the part of the plaintiff alone, he will not be allowed to correct it, and then enforce the contract. Where both parties to the contract were at the time of contracting in error as to the subject-matter of the contract, this will void the contract. Where the mistake is not as to the subject-matter of the contract, but in the reduction of the agreement to writing, the court will interfere to correct the error. Where both parties have

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made a mistake, but not about the very subject-matter of the contract, the contract will stand, and may be specifically enforced.

VIII. *The incapacity of the court to perform part of the contract* will in general be a good ground of defence, so as to prevent the court from interfering to enforce the other part. Where however the contract is *divisible*, so that one portion of it could stand without the other portion, an exception will be made. In many of the reported cases, however, the exception is rather apparent than real, as there are two or more separate contracts, instead of portions of one divisible contract. Where, owing to the default of the defendant, who sets up this defence, any portion of a contract cannot be performed, except in some rare cases, the court will hold the contract divisible, and enforce performance of that portion which the defendant can perform; as, for instance, where the defendant only possessed a part of the interest which he contracted to sell, he would be compelled to convey as much as he possessed. It was once held that when the positive part of an agreement could not be performed by the court, it would not enforce the negative part by injunction; but this is no longer law; and recently where a person had entered into an agreement to sing at a theatre, though the court could not enforce this agreement specifically, it granted an injunction to prevent him singing in any other theatre than that in which he had contracted to sing.

IX. *The want of a good title* is a defence set up by the purchaser of land, when the vendor seeks to enforce the contract of sale, and the former maintains that the latter has not made out a sufficiently good title to give him a right to specific performance, the court will not compel a man to become an unwilling purchaser of property, from which there exists a reasonable doubt, that he might be ousted by some one possessing a title superior to that of his vendor. It will not be necessary to go very deeply into the question, 'what title will be sufficiently doubtful to warrant the court in refusing specific performance.' The intricacies of the English law of land do not exist in this country; and when the Registration Act has been some time in operation, the investigation of title in India will not be a very difficult matter.

X. *Where default exists on the part of the plaintiff, or where he has acted in contravention of the contract,* there will be a good defence to a suit for specific performance. Where there were certain acts to be performed by the plaintiff as preliminary to the contract, he must shew very clearly that he has performed, or was ready and willing to perform, those acts. Otherwise there will be such default as will constitute a valid defence; and so also where the performance of these acts is not absolutely a con-

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dition precedent, but relates to certain representations as to future acts made at the time of contracting, and upon the faith of which the contract was entered into. There will, however, in this latter case, be a distinction made between the essential and non-essential terms of the contract, and default in respect to such as are non-essential and unimportant will not be a ground for refusing specific performance. When after the agreement to contract, the plaintiff has so dealt with the subject-matter of the contract as to diminish its value, this will be a valid defence. The damage or injury resulting must however be real. A trifling injury will not be sufficient to enable the defendant to evade performance. Where waste has been committed: where the land sold has been dealt with in an unhusbandman-like manner: where the vendor of certain property tendered the purchaser his deposit, demanded back possession, drove the purchaser's stock off the estate, and gave notice to the tenants not to pay rent to him, there was held to be a good defence to a suit for specific performance.

XI. *The incapacity of the defendant to perform his part of the contract* is a defence founded upon the necessity of the case. A man cannot be compelled to do that which he cannot do. This defence differs from some of the others in this, that the capacity or incapacity is judged of, not with reference to the time of contracting, but with reference to the time at which performance is sought. If a man contract to do that which he at the time unable to do, but subsequently acquires the power of doing, he will be compelled to perform his agreement, when he is able to do so. Where the incapacity concerns a non-essential term of the contract, the court will often modify it and decree performance of a contract, which differs in no respect in its *essential* particulars from the original one. Sometimes an agreement is in the alternative; and when one of the alternatives is impossible, it becomes a question whether the other should be enforced. Mr. Fry has very carefully collected the rules on this point which are as follows: *First*, where, at the time of contracting, one alternative is void or impossible, the other alternative must be executed. *Second*, where one alternative is rendered subsequently impossible by the act of God, the other need not be performed. *Third*, where one alternative becomes impossible by the act of the other party, the other alternative will be discharged. *Fourth*, where one alternative is presented by the act of a stranger, the other must be performed.

XII. *The lapse of time* is the last defence we shall consider. This is a question quite distinct from the effect of the Statute of Limitations, which holds good equally at equity as at common law. In order to claim the assistance of the Court of Chancery, a party must, in the language of Lord Alvanley, show himself

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ready, desirous, prompt, and eager. The delay of either party in not performing his part of the contract, or in not prosecuting his right to the interference of the court by the filing of a bill, or in not diligently prosecuting his suit when instituted, may, says Mr. Fry, constitute such *laches* as will disentitle him to the aid of the court, and so amount, for the purpose of specific performance, to an abandonment on his part of the contract. At law, time is always of the essence of the contract. So also it will be at equity, whenever it appears to have been part of the real intention of the parties that it should be so, and not to have been inserted as a merely formal part of the contract. But where it is merely a formal part, specific performance will not be refused on merely technical grounds. Where one party is willing to proceed, and by notice or otherwise intimates this to the other party, who remains inactive, this will constitute such *laches* on the part of the latter, as to be a good defence to a suit for specific performance. What is sufficient delay to be taken cognizance of by the court, will depend, in no slight degree, on the circumstances of each particular case. In contracts relating to *mines* time is generally essential. Their value is constantly changing in the market. And the nature of all transactions connected with them is so precarious, that the lapse of time immediately concerns them. To give further instances, in the old case of *the Marquis of Hertford vs. Boore*, a delay of fourteen months was not considered a bar to the plaintiff's claim. In another case, where the contract had reference to a supply of coal, an article fluctuating from day to day in its market price, a delay of eleven months was held to be fatal.

From the above sketch (necessarily through its briefness very imperfect) of the principles by which the Court of Chancery at home is guided in decreeing or refusing specific performance, it will be manifest that there are well-known rules and settled doctrines, the result of long and able judicial experience, by which the administration of this branch of equity is directed and regulated. 'Equity and good conscience' are the guides laid down for the Indian judicial officer in administering justice. No man of however transcendent ability and with a conscience however good, can work out for himself a system of perfect equity. The study of this one small portion of equity jurisprudence, now before us, will shew how very impossible it would be to administer equity and justice, without benefiting by the learning and experience of those who have built up the system, administered in the English and American courts. Legal education and training are, therefore, a *sine quâ non* for those charged with the duty of administering that shortly-worded, but very comprehensive, code contained in the words 'equity and good conscience.'

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II. We now come to the second portion of this article and shall endeavour to point out what has been hitherto done as to specific performance of contracts in India. The old reported cases are very few in number, and for all practical purposes it will be sufficient to commence with the passing of Act VIII of 1859; Sections 191 and 192 of this Act are as follows:—

191. 'When the suit is for moveable property, if the decree be 'for the delivery of such property, it shall also state the *amount* '*of money* to be paid as an alternative, if delivery cannot be had.'

192. 'When the suit is for damages for breach of contract, if 'it appear that the defendant is able to perform the contract, the 'court with the consent of the plaintiff may decree the specific 'performance of the contract within a time to be fixed by the 'court, and in such case shall award an amount of damages to be 'paid as an alternative, if the contract is not performed.'

Now, it will be seen at a glance that these Sections have no pretension whatever to embrace the doctrine of specific performance, as administered in the Court of Chancery at home. The first of these Sections is an adoption to India of Section 78 of the Common Law Procedure Act of 1854, (17 & 18. Vict. Cap. 128.), which is as follows:—

'The court or Judge shall have power, if they or he see fit 'so to do, upon the application of the plaintiff in any action for 'the detention of any chattel, to order that execution shall issue 'for the return of the chattel detained, without giving the defen- 'dant the option of retaining such chattel upon paying the value 'assessed, and if the said chattel cannot be found, and unless the 'court or a Judge should otherwise order, the Sheriff shall distrain 'the defendant by all his lands and chattels in the said Sheriff's 'bailiwick, till the defendant render such chattel, or *at the option* '*of the plaintiff, that he cause to* be made of the defendant's goods 'the assessed value of the chattel: provided that the plaintiff 'shall, either by the same or a separate writ of execution, be 'entitled to have made of the defendant's goods the damages, costs, 'and interest in such action.'

Section 200, Act VIII of 1859, enables a plaintiff, who elects to take the specific moveable, to enforce his option by imprisonment of the defendant, or by the attachment of his property, or by both imprisonment and attachment. Specific performance of a contract, under Section 192, may be similarly enforced under Section 200; but in this respect Indian Civil Procedure finds no parallel in English Common Law Procedure, the only Sections of which relating to specific performance, *viz.*, Sections 68 to 74, of Cap 128, Stat. 17 and 18, Vict., are intended for the enforcement, not of a mere personal contract, but of a

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duty of a public or *quasi*-public nature. Section 192, Act VIII of 1859, can moreover only be put into operation, *when the suit is for damages for breach of contract:* so that the institution of a suit for damages is a necessary preliminary to a petition for specific performance. It will not be forgotten that the specific performance of an English court of equity is intended to meet those cases, in which damages are no compensation. Section 192 contemplates one of the defences we have treated of, *viz.*, *'the incapacity of the defendant to perform his part of the contract.'* 'If it appear that the defendant is able to perform the contract,' specific performance may be decreed. It would be difficult to guess at the source from which Section 192 was derived. It embodies none of the principles of equity or common law, and leaves those who have to administer its provisions to draw very largely on the undefined code of 'equity and good conscience.'

The published reports of the Calcutta High Court do not furnish many cases involving the doctrine of specific performance: and as far as an opinion may be formed in this way, it would appear that the doctrine is not very well understood, and not much called into play, in the litigation of this country. We shall notice some out of the few cases that have occurred. In *No.* 91 *of* 1864 *Motee Doss and others, appellants, 2nd August,* 1864 (*Weekly Reporter,* Vol. I, page 4), the plaintiff sued for the specific performance of a contract for the grant of a *putnee* lease made by the manager of certain endowed property. Performance was refused, on the ground, that the manager had no power to make such a contract, as the testator had by his will prohibited any transfer of the property by sale or gift. This decision may be defended on two grounds, *viz.*, on that of the *want of fairness of the contract,* inasmuch as it involved a breach of the trust provisions; or as being *ultra vires.*

In case *No.* 1405 *of* 1864, *Thacoor Sreenauth Sing, appellant, 20th September,* 1864 (*Weekly Reporter,* Vol. 1, page 144), the plaintiff sued for specific performance of a contract for the conveyance of a portion of certain property by the defendant, after the latter had obtained a decree for the same. The Lower Courts had dismissed the claim, on the ground that more than twelve years had elapsed since the time of the contract being made. The High Court very properly set aside this decision, and remanded the case, remarking that the cause of action arose not at the time of making the contract for the conveyance, but at the time when the defendant having obtained a decree for the property was in a position to perform his agreement. This case falls under the examples given above, with reference to the eleventh head of the second class of defences. The defendant

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was incapable of performing his agreement at the time of contracting, as he had not obtained a decree for the property. But having subsequently obtained a decree, and being in a position to perform his contract, specific performance would be decreed.

One of the commonest instances of suits for specific performance in this country, is an action to enforce a compromise, which has terminated some former litigation. In the case *No.* 236, *of* 1864, *Ram Sahae Sing, appellant, 5th December,* 1864 (*Weekly Reporter,* Vol 1, page 266), a former compromise of this nature had been made. The defendants had failed to carry out its provision, and the plaintiff, falling back on his original ground of action, had sued for his share of the property in dispute. The High Court held that he could not do this; but they decreed specific performance of the compromise made at the close of the former litigation. Now, this case is remarkable as showing very clearly what is observable in all the reported cases of specific performance, *viz.,* that although Section 192, Act VIII of 1859, only contemplates specific performance, *when the suit is for damages for breach of contract;* yet this portion of the law has become a dead letter, and specific performance has been decreed in suits, where there was no claim for damages for breach of contract. Similar to the case just quoted is *No.* 317 *of* 1864, *Bishnu Coomar Roy, appellant, 23rd February,* 1865 (*Weekly Reporter,* Vol. II, page 208), and also *No.* 129 *of* 1865, *Ram Lochun Bubra, appellant, 4th July,* 1865 (*Weekly Reporter,* Vol. III, page 118.)

In case *No.* 2816 *of* 1864, *Ramtonoo Surmah Sirkar, appellant, 29th May,* 1865 (*Weekly Reporter,* Vol. III, page 64): the plaintiff had advanced a sum of money on a deed of sale stipulating that on payment of a further sum, he was to receive defendant's share of a certain *talook.* The defendant, instead of carrying out his agreement, sold the land to a third party, whereupon plaintiff sued him for specific performance. The case was remanded by the High Court for enquiry into the *bonâ fides* of the second conveyance, the High Court holding that if the second vendee had bought the land in good faith, for a valuable consideration and *without notice* of the first sale, he could not be disturbed in his possession, and that the plaintiff's only remedy would be an action for damages. From this it would appear that the suit was not for damages for breach of contract. Had the action been brought in this shape, the plaintiff's remedy would have been greatly simplified under Section 192, Act VIII of 1859. It will be noticed that the proper defence here to the suit for specific performance would have been the incapacity of the defendant to perform his part of the contract. As however that

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incapacity was the result of his own wrong in making a second sale of the property, it would have been a good ground for awarding sound damages.

A case somewhat similar to the last is *No.* 100 *of* 1865, *Shib Kishen Doss, appellant,* 23*rd June,* 1865, (*Weekly Reporter,* Vol. III, page 103). In this case, however, the second vendee had notice of the first sale, and the contract being proved, specific performance was decreed. The question of *lapse of time* also arose in this case. The Principal Sudder Ameen had decided against the plaintiff, 'because he had not caused the deed of sale to be executed by paying the money within the prescribed period.' The High Court, however, rightly held that time was not of the essence of the contract, it appearing from the terms thereof that it was not the intention of the parties that it should be so.

From the few cases above noticed, it will be evident that even in this country scarcely one suit for specific performance can be decided, without the discussion of points involved in the usual defences to such suits under the equity practice of the Court of Chancery at home.

III. It now remains to discuss the new Sections of the Civil Procedure Code, which are intended to extend the hitherto limited application of the doctrine of specific performance by Indian courts of justice. We shall quote these Sections in their entirety as contained in the Amended Code of Civil Procedure, published in the *Gazette of India* of the 28th April 1865.

Section 24. 'If a contract shall have been entered into, which 'involves for its performance *separate or successive acts,* a suit may 'be brought to enforce the performance of any one or more of 'such acts, without waiting for the time when the whole of the 'acts required to be performed under the contract ought to have 'been performed; and the court may order the defendant specifically to perform any one or more of such acts without ordering 'him specifically to perform the entire contract, imposing such 'terms, if any, upon the plaintiff, as shall seem to the court to be 'just.' (S. C. C.)

Section 25. 'The court shall not decree the specific performance of any contract, the complete performance of which is 'necessarily extended over a longer period than five years. This 'rule shall not apply to any contract which shall have been entered 'into before the passing of this Act: provided that the court 'shall not decree the specific performance of any such contract 'for a longer period than five years from the date of the 'decree.' (S. C. C.)

Section 133. 'In any suit brought under Section 24 on a 'contract which shall have been registered under any law for the

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'registration of assurances, the court may, on the application of 'the plaintiff at the time of the institution of the suit, and *if* '*satisfied that the contract is capable of being performed by* the 'defendant; that the plaintiff is likely to be materially prejudiced 'by any delay in such performance, and that the application is in 'good faith, make an order, *ex parte*, calling upon the defendant 'within a time to be fixed by the court to perform the contract, 'or to appear and show cause why its immediate performance 'should not be enforced.' (S. C. C.)

Section 134. 'If the defendant shall not, within the time fixed 'by the court, either perform the contract or appear and show 'cause why the immediate performance of the contract should not 'be enforced, and if it shall be proved to the satisfaction of the 'court that the said order was duly served upon him in any of 'the modes of service hereinbefore provided, the court shall 'proceed at once to take such evidence as the plaintiff shall adduce 'in support of his claim, and subject to the conditions contained in 'Section 314, thereupon give judgment and pass a decree on the 'judgment so given as provided in the same Section.' (S. C. C.)

Section 314. 'When a suit has been brought to compel 'specific performances of a contract, if it appear to the court that 'the consideration is adequate, that the contract is reasonably 'certain, that the defendant is able to perform it, and that the 'performance would not impose extreme and immoderate hardship 'upon him, the court may declare that the contract shall be speci- 'fically performed, and decree the same accordingly.' (S. C. C.)

Section 315. 'The court may also declare that, in the event 'of the contract not being specifically performed, the defendant 'shall pay to the plaintiff as damages a sum of money to be 'assessed by the court in substitution for such performance. Such 'damages shall be recoverable at the option and on the application 'of the plaintiff.' (S. C. C.)

Section 316. 'If it shall appear that the defendant is unable 'to perform the contract, or that though he may be able to per- 'form it, the consideration is greatly inadequate, or that the 'contract is not reasonably certain, or that the result of perform- 'ing it would impose extreme and immoderate hardship upon him, 'the court may declare that the defendant shall pay to the 'plaintiff damages to be assessed in such manner as the court 'shall direct. Provided that the court may decree, as liquidated 'damages, any sum that the parties may have agreed should be 'paid, in the event of a breach of the contract without reference 'to the extent of the injury sustained.

Explanations (a). 'The adequacy of the consideration is to be 'judged with reference to the time at which the contract was 'made.'

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(b). The certainty required must be a reasonable one, having regard to the subject-matter of the contract, and the circumstances in and with reference to which it was entered into.' (S. C. C.)

Section 317, [*Verbatim the same as Section* 192, *Act VIII. of* 1859, *quoted above*] (S. C. C).

Section 328. 'A decree for the specific performance of a 'contract may be enforced by the imprisonment of the party 'against whom the decree is made, or by the attachment of 'his property, or by both the imprisonment of the party and the 'attachment of his property. The imprisonment and attachment 'may be continued until the party, against whom the decree is 'made, shall comply with the terms of it, or for such time as 'the court shall order: provided that no person shall be im-'prisoned under this Section for a longer period than six months.' (S. C. C.)

Before discussing these Sections we must beg our readers to bear in mind one very important point. The Sections in question were not introduced into the Civil Procedure Code for the purpose of extending to India the general law as to the specific performance of contracts, administered by courts of equity at home, but with the particular object of supplying a substitute for a criminal contract law which has been so long demanded in vain. Whether such a law should have been, or should be, conceded to those who have asked for it as the sole remedy for evils, which seemed otherwise remediless, we shall not here discuss. The point is beside our present purpose, which is to enquire how far the law contained in the above-quoted Sections is adapted for the purpose for which it is intended.

Turning then to the first of the above Sections, (24), we find therein nothing that clashes with the principles of English law. Under this Section a ryot, who had contracted to *sow* and *deliver* indigo or any other crop, and who at sowing time neglected to put in the crop, could be compelled to perform this one of the successive acts for the performance of which he had contracted. That the person with whom the ryot had contracted would thus be benefited, there can be no doubt. Were he compelled to wait till the time of delivery, he would get nothing but a decree for damages instead of the indigo or other crop, which to him is the all important object. A decree for damages involves further outlay of money for its execution, loss of time and trouble, which are seldom, if at all, compensated by the results.

The next Section (25) is evidently intended for the protection of the ryot. The specific performance of no contract will be decreed, the complete performance of which is necessarily

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extended over a longer period than *five years*. This provision would seem to invalidate, to render null and void, any contract for more than five years. Now, people in the Mofussil are slow to become acquainted with the provisions of a new law, and many contracts made in ignorance of this Section would thus become of non-effect. Might it not be well to give effect to such contracts for the period of five years, and regard the rest of the term as mere surplusage?

The operation of the next Section (133) is limited to *registered contracts*. But how is the court to be *satisfied* that the defendant is capable of performing the contract, and that the plaintiff is likely to be materially prejudiced by delay in the performance, and that the application is in good faith? The plaintiff will, under the circumstances, have to satisfy the court on these points. If he succeed in doing so, which in most cases will depend on the peculiar ideas of the judge, he will obtain an *ex parte* order calling upon the defendant to appear and show cause why performance of the contract should not be enforced. If the defendant still continue contumacious and neglect to appear, under the following Section (134), the court is to proceed at once to take such evidence as the plaintiff shall adduce in support of his claim, and *subject to the conditions contained in Section* (314), may give judgment and pass a decree. The conditions in Section (314) we shall discuss presently. We shall see that they constitute defences to the suit, and the *onus* of proving them would clearly fall on the defendant. If he does not appear, is the plaintiff to be called upon to satisfy the court on these points? Otherwise how is the court to satisfy itself in the absence of the defendant? It is quite clear, that the plaintiff in all these cases of registered contracts will have to prove as much, if not more than in ordinary cases, and that he will not get his decree a whit the sooner. The law does not prevent *ex parte* proceedings in ordinary cases, and in such cases a decree could be had in less time and with less trouble. There is, however, one point of difference. *Ex parte* decrees in ordinary cases could be set aside in the usual manner, while decrees passed under Section 13 would be final and decisive when passed by Small Cause Courts, (though a new trial might be allowed on the usual terms), and would be open to appeal when passed by other civil courts. We may safely predict that these Sections (133 and 134,) will, if passed into law, be seldom called into action. They will be too slow in their operation for those very cases which they are intended to meet. The time for sowing would pass by, while the case was pending, and the deceee would be obtained when it was too late to be of any avail. To make the Sections of any real use, they

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should be assimilated to Sections 468 to 471, and an application for the enforcement of the contract should be treated as an application for the execution of a decree, the parties having so agreed in writing on the contract in presence of the Registrar.

We now come to Section 314, which contains the defences which may be set up to the suit, and which may be classified as follows :—

I. Inadequacy of the consideration.

II. Uncertainty of the contract.

III. The incapacity of the defendant to perform his part of the contract.

IV. The hardship of the contract.

In a previous part of this article we have shown the defences which are usual and admitted in a suit for specific performance in the courts of equity at home. We have divided those defences into two classes, the first class containing *nine*, and the second class containing *twelve* defences. A reference to our classification will shew that the four defences contained in Section 314, are four out of the twelve comprised in the second class. The question at once arises, are defendants in suits for specific performance under the new Civil Code to be limited to these four defences? Are they prohibited from pleading 'want of mutuality,' 'misrepresentation,' 'mistake,' or any of the other defences which we have above re-capitulated? That such is the intention of the Legislature we cannot suppose, yet, if such be not their intention, why have a few, out of the ordinary defences in such suits, been selected for insertion in this Section? To those Judges whose knowledge of the doctrine of specific performance will have been entirely derived from the Sections in the code, it will doubtless appear easy enough to apply them to such cases as come before them; but when these cases have been appealed to the High Court, and argued on equitable principles (the truest exposition of which will be found in this article), we apprehend that the application of a portion of a great principle to meet a limited class of cases, will be found to result in confusion, uncertainty, and the dissatisfaction of both parties, for whose interest it was meant to legislate. Either a complete list of defences should be incorporated in the law, or the partial list should be expunged. That no list at all should be given, we think preferable. When the Law Commissioners give us the chapter of Indian Code which treats of *contracts*, we think that the general principles of, and defences in suits for, specific performance, would be well included therein.

The few examples of cases given above, and decided by the Calcutta High Court will have shown already, how impossible it would be to confine the defences in suits for specific performance to the four comprised in Section 314.

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It may be said that the object of Section 314 is not to enumerate the defences which may be made to the suit, but to lay down certain points upon which the court should satisfy itself before giving a decree. We cannot, however, coincide in this supposition. All the points are in favour of the defendant, and why the court should be bound to take special steps to protect the defendant's interests any more than the plaintiff's, there is no good reason that we are aware of. It would simply come to this: the court would set up certain defences for the defendant, and then call upon the plaintiff to rebut them.

Section 315 provides that in the event of the contract not being specifically performed, a decree for damages *in substitution of such performance* may be given, such damages to be recoverable at the option and on the application of the plaintiff. This Section is borrowed from Sir Hugh M. Cairns' Chancery Amendment Act of 1858 (21 & 22. Vict. Cap 27.) Only that for the words, *in 'addition to or in substitution for'*, the words *'in substitution for'* alone have been introduced into Section 315. Speaking of damages in addition to specific performance, Mr. Fry remarks as follows:—

'In cases where the principal relief sought by the plaintiff is 'the actual execution of the contract, he is often entitled to certain 'additional relief in the nature of compensation, which can only be 'given by way of damages. * * * * * * * 'I had already remarked on the desirableness of courts of equity 'being clothed with a jurisdiction in damages as incidental to 'specific performance, in order that in the case of contracts 'coming before them for actual execution, complete justice might 'be done to the suitors without their resorting to any other forum.' Do not these marks apply to India, and to the very class of cases legislated for? We will suppose a cultivator under contract neglecting to sow at the time the auspicious shower falls, and compelled by a suit for specific performance to sow three weeks after. The produce of the crop thus sown would very seldom equal, and would, in many cases, not be more than half that of the crop sown with the first shower of rain. Would not this be a case in which damages, *in addition to* specific performance, would be rightly decreed? We could give many other examples, but the intelligent reader will easily find similar instances for himself. The damages are to be recoverable at the option and on the application of the plaintiff. Let us now suppose a decree for specific performance passed against a defendant. Such a decree can be enforced by imprisonment of the defendant, and by attachment of his property. Now, the damages decreed can only be *in substitution of* specific performance. If, therefore, the plaintiff take steps for the enforcement of the

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specific performance, the question arises, will be not thus be barred from going for damages; or, *vice versâ*, if he declare for damages, will he not debar himself from having performance of the contract enforced? Suppose he were to attach the defendant's property to enforce specific performance, could he afterwards sell it to get his damages?

Section 316 provides that if the Court find on any of the four points contained in Section 314 in favour of defendant, it shall give a decree for damages instead of for specific performance. In the courts of equity at home if a bill for specific performance were thrown out, the suitor must have recourse to a court of common law to recover damages. It is an advantage that under this Section (316), no second tribunal will have to be resorted to. But, if any of the other defences besides these four be set up and proved, will no damages be allowed, or may they be recovered in a separate suit?

The proviso to this Section is as follows: 'provided that the court may decree as *liquidated damages* any sum that the parties may have agreed, should be paid in the event of a breach of the contract without reference to the extent of the injury sustained.'

There is no enactment that we are aware of in this country, which prohibits the courts from applying the usual law of *liquidated damages* to ordinary contracts. What then can be the meaning or object of this proviso?

It cannot be intended to give a special statutory sanction to what had no need of such a sanction. The proviso must be read with reference to the remark we made above, as to the special class of cases for which it has been intended to legislate. A series of Regulations and Acts* with some peculiar decisions thereon, has left the law on the subject of penalty or liquidated damages, relating to indigo contracts, in a state of the most mysterious uncertainty. It was doubtless for the purpose of doing away with this uncertainty, and of allowing parties to contract at their own option, that the above proviso was introduced. We think the above Regulations and Acts, or at least such portions of them as are connected with this point, should be included in the list of of repealed statutes appended to the Code.

The explanations attached to this Section (316) require no comment. They merely enunciate the ordinary rules on the points in question, which have been stated in the earlier portion of this article.

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* Reg. VI, of 1823,
Reg. V. of 1830,
Act. X. of 1836,

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The next Section (317) is (as has already been remarked) the same, word for word, as Section 192, Act VIII of 1859, which has been noticed above.

Section 328 provides for the enforcement of a decree for specific performance, by imprisonment or attachment of property, or by both imprisonment and attachment. The term of imprisonment is, however, in no case to exceed *six months*. But suppose the plaintiff were, simultaneously with the order for specific perfor-formance, to obtain a decree for damages exceeding five hundred rupees, he could (see Section 443) have the defendant imprisoned for two years under the decree for damages, while *six months* would be the limit for enforcing specific performance. For uniformity's sake, ought not the same scale be applicable to both decrees?

All the Sections on the subject of specific performance have been made applicable to Small Cause Courts. The law does not lay down *expressly* what is to be the limit of the jurisdiction of these courts in this class of cases; but doubtless the same limit would apply, as is now by law applicable to the cases tried by these courts, in the exercise of their ordinary jurisdiction. Under the county courts' equitable jurisdiction Act, (28 and 29 Vict. Cap. 99), passed last Session of Parliament, and which came into operation at home on the 1st October last, the jurisdiction of the county courts in suits for specific performance is extended to five hundred pounds, equal to five thousand rupees. The ordinary common law jurisdiction of these courts does not yet extend beyond fifty pounds, equal to five hundred rupees. We would not recommend that the jurisdiction of Small Cause Courts in suits for specific performance should be extended beyond the amount which is their present limit in other cases. Our reason is this, that the class of persons chosen as Judges of these courts, in most instances, is by no means calculated to raise the *prestige* of these tribunals, or to render successful the attempt to introduce into this country a reform, which has succeeded at home beyond the utmost anticipations of its first promoters. The county courts in England have not yet been established twenty years: nevertheless in the teeth of the greatest opposition they have almost yearly increased their jurisdiction, until during the last Session of Parliament, the Act, mentioned above, was passed, which conferred on them all the power and authority of the High Court of Chancery in suits in equity up to the limit of five hundred pounds. There is no good reason why the county court system should not be equally successful in this country. The want of success, which has induced some opposition to the extension of the system in Bengal, is wholly and entirely attributable to the class of

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persons appointed to be Judges. Let the appointments be limited entirely to *Europeans* carefully selected, and there will be no lack of success. The judicial training to which young Civilians are now subjected ought to fit many of them for these posts at an early period of their service. Such was the original intention of the framer of the Act, but that intention has never been carried into effect. The separation of the judicial and executive branches, which *must* sooner or later come to pass, could be in this way gradually introduced, and district Judges might be appointed from the Small Cause Court Judges, who had proved their capability for judicial work. The post of Magistrate and Collector involves duties nearly all executive, and daily becoming more so. Fondly as same may cling to the traditions of the elders, Collector-Magistrates, had they the versatility and powers of an admirable Crichton, can never discharge the duties of their executive post, and fit themselves for the judicial bench. These officers have admirable training for the duties of a Commissioner, and, unless in very rare cases, this is the line that promotion should take.

Returning from this digression we have a few words to say in conclusion, with respect to the application of the doctrine of specific performance to that class of contracts, which have been the object of this special legislation. It is very doubtful if a court of equity in England would decree special performance of any contract of the nature of those, upon which the Sections we discussed will operate, if passed into law. Contracts to sow, to weed, to tend with care, and duly deliver a crop of indigo or other produce, partake very much of the nature of contracts for personal service, the difficulty of carrying out which in specie has been admitted by courts of equity, which now decline to entertain suits for the specific performance of such agreements. The duties to be performed by a contracting ryot from sowing time to the delivery of the crop are essentially of a peculiar nature, and would, we think, properly be designated as '*services*,' such as those the specific performance of which has been refused under English equity. The reasons given by able Judges for this refusal to exercise jurisdiction would, we think, apply with double force to those very contracts of which we speak. We would gladly see the doctrine of specific performance extended to India in all its entirety, but until the qualifications of her judicial officers, especially the native portion of them, have been considerably raised above their present degree of elevation, we have some doubts, if this complicated machine, with part of its machinery only in motion, can be successfully applied to do the work required to be done.

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Art. IV—1. *Report on the Police of the Province of Assam &c.*, 1864.

2. *Final Report on the Police of the Lower Provinces of Bengal*, 1864.

IN a former article, styled the 'Criminal Administration of Bengal', and in which we confined ourselves mainly to a consideration of the *principles* of the system, we expressed a hope that we might supplement it with one treating of the practical working of that system—and this we now propose to do. If, in considering this subject, we confine ourselves entirely to the new police system, we are sure that we shall do as much as the already tried patience of our readers will endure, and also that we shall take in all the more important and prominent points of our subject.

In much that affects the police as a body, we find that we have been anticipated by a candid and competent writer, whose article on the 'Police of Bengal' appeared in No. LXXXI of the *Review*. We do not, indeed, agree in all that has been therein put forward, but the great detail, into which that paper entered, makes it unnecessary for us to bore our readers, with what would be, to a great extent, a mere recapitulation of a recent article, and we shall, therefore, confine ourselves within short limits in this matter.

In order to defend ourselves from any charge of inconsistency, we must inform our readers that our former article was written many months before it appeared. It had been written a few months before it was forwarded to the *Review*, and a few months elapsed before it was possible that it should appear thereafter. In this interval many changes of a most important nature have been rapidly made in the internal economy of the police. We cannot express any opinion, but that these changes, mainly the work of Colonel Bruce, are all changes seriously for the worse; and with the most sincere disappointment we find ourselves compelled to retract much of the praise which we bestowed on the new system in our previous article, and to admit that the withdrawal of some of the most important items of improvement which we then specified has stultified our congratulations thereon. The police we have to write about now is not the same as that we wrote about before, and can by no means claim the same praise. It

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is very much the same as the old police, (as it were a distinction without a difference,) and it must come in for much the same dispraise. To Colonel Bruce's whole proposals (as contained in the books at the head of our article,) we feel the very strongest objections; and against the carrying them out in part we loudly protest. It seems to us as if all its evils had been accepted, while the counterbalancing advantage of increased pay to the native subordinates, is alone rejected. It is with bitter disappointment that we find the conclusion forced upon us that, in the matter of police Bengal has been allowed to drift away from the bright position which opened before it in 1861—to glide into the direction of the old difficulties and dangers which beset it, in spite of the warning beacons erected on them by old experience. This language may be thought too strong. It is *not* exaggerated, and we hold to every word of it.

On the introduction of the new system, great and laudable efforts were made to raise the character of the police as a body. The steps taken were all in the right direction. They consisted in the material raising of pay, and the prospect of a pension; the providing of good *European* supervision to be exercised by men having no other occupation, and who bore in one hand the power of summary punishment, and in the other promotion and reward. Lastly, in the cutting off from the thannah officials, all authority which as a means to do ill deeds might make ill deeds done, but which it was not essential that they should possesss. At the same time directions were issued to enlist men of good character, and to treat the police as a respectable and honourable body; while, with a view to securing eligible recruits, schools were opened in which young men aspiring to be future members of the corps are instructed in reading and writing, and in those laws which they are hereafter to aid in administering. These are, indeed, unexceptionable measures, promising the most brilliant results; but alas! this statement, so brave on paper, has been most wofully lopped of its fair proportions in practice. To what extent has Government availed itself of these plans; to what extent has their application been restrained by the circumstances of the country; and to what extent have they been retracted altogether;—in considering all this, we shall find much,—very much, that militates against the new system, and deprives us of very many of the advantages which ought to accrue from it.

It will be impossible to treat fairly of this matter without fully understanding, and allowing for, the condition and circumstances of the country for which a police had to be made. There is no country in the world so happily circumstanced, that it will admit of the application to it of any system which does

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not, in some points, depart from or oppose general principles of admitted truth and importance. Very often the application of some of these principles is physically, (or otherwise actually), impossible; and very often, too, the genius and character of a people will raise an equally strong bar, or induce a prudent statesman to abandon a theoretical truth in favour of an admitted defect; as being a wise choosing of the lesser of two evils, and the only means in his power of doing the best as a whole. Everywhere allowances must be made for drawbacks of this nature, but in India very especially so: but more particularly in the matter of police; for there is hardly one local or national circumstance of the country, which tells in favour of its rulers and of order, while they are unusually numerous and important on the other side.

We think that we have sufficiently enumerated the most obvious of these difficulties in our former article; and assuredly our readers do not need to be reminded that when a country thickly inhabited by the criminal-supplying class, is not only of gigantic area, but also extremely difficult to travel in, the most serious obstacles are thrown in the way of justice. When a criminal has the start by a day or two of a police officer who can travel no faster than, (if so fast as), the criminal himself, and who has further to look about with the most delaying diligence for a trail, it is very evident that the criminal must very often win the race against justice. England itself, and at only the beginning of the present century, afforded many and many an example of this. These difficulties are further very materially increased, by the fact that the police are managed and controlled by a few, (a very much too small number), of foreigners, of different colour, religion, and language to their subordinates; and the general community, who are quite curiously ignorant of the natives, who have no intimate intercourse with them, know nothing of their inner life, habits, or feelings, and can't, (as a *very* general rule), understand, or be understood by, any ordinary villager they may come across.

But these evils, great as they are in themselves, are almost illimitably increased by the very peculiar character of the people; by their want of faithfulness to themselves, by the absence of any public feeling among them,* by their carelessness and

* *Note.*—We by no means deny the existence, among educated Bengalees of all classes, of a very decided public opinion, which makes itself heard and felt with effect in Calcutta, and wherever educated natives are assembled in any numbers. But this, though it shews what the public character of Bengal may be, (we hope and believe will be,) hereafter, does not describe that of the present day. Take a Moffussil Zillah, and compare the educated

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timidity, their apathy as to wrong, and their indifference to truth. As is the character of a people, so will be the value of their institutions, and the prosperity of the nation. As of individuals, so of nations; those who will not help themselves, no power on earth can help, and the most careful workmanship, spent on worthless material, is but lost labour. The happiness of a nation is not only not *chiefly* in the hands of their rulers, but *it is altogether in the hands of the people.* England, on the one hand, is an example of how a people, eager for liberty and good order, and true to themselves, can win the very highest degree of liberty and good order, in spite of the most arbitrary laws and institutions, and against the most arbitrary power, wielded by strong hands, guided by able heads, supported by the prestige of antiquity and glory, and even by the weight of religion. India, on the other hand, is an example of the political debasement and social misery which befalls a nation apathetic as to their rights and false to themselves, in spite of the efforts of a strong and righteous Government, which honestly and strenuously directs its every thought and action for the liberty, security, and prosperity of its subjects. All sorts of reasons have been given for the failure of all our systems of Indian police. Some say—the root of the evil is among the police ranks, others that it is the thannah officials, others that it is with the magistrates—all sorts of changes and plans are recommended and made in these, but the blot is not there:—it is here,—in the character of the people; and till this is changed, till they learn to appreciate security of person and property so much, that every man shall turn his hand against him who attacks it; till they learn to hate oppression so much that no policeman can hope to show it unprosecuted; and till they learn to regard the false witness as the enemy of public security and of freedom from oppression, we can never have a really good police, or one that can be trusted, and the most that we can require of Government is to give us the best possible, and to let pass *no* opportunity of improving it.

The charge that we have to bring against the Indian Governments from the earliest days of our rule to the present is, that so far from ever having given the country the best system possible under the circumstances, they have never given any that could seem the work of rational beings; and that so far from

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and thinking few, (whose position and influence is, unfortunately, seldom high in the Moffussil) with the thousands and thousands of the unthinking and uneducated who form its population, (and who may be found among its richest landholders,) and not the most zealous friend of the Bengalee will quarrel with our statement that there is no public feeling among the people.

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losing no opportunity for improvement, they have, after each promise of improvement, and after having with a view thereto sought for and obtained the clearest exposition of the faults of their system, invariably returned with their eyes completely open to the same system as before, with all its evils. That the English should have started badly is only what was to have been expected. Their ignorance of all things Indian, the extreme character of the difficulties which beset them and the insufficiency of the means at hand for combating them, are a most valid apology for a failure *at the first.* But all excuse of this nature had long ceased to be admissible, before any earnest or serious attempt was made by Government to discharge its primary duty and responsibility, by providing a police which should not only be efficient to protect person and property, but which should *itself at length cease to commit outrages on both.* That nothing of this sort was attempted till 1837 constitutes, perhaps, the most serious and unanswerable charge that can be brought against the system of Government which allowed such a thing to happen. Its bitterest enemies need desire to bring no more damning charge, than that the Company's Government, having formed a police at the outset of their career, under circumstances which admittedly precluded all hope of its being worth anything, and which constitute the excuse for its failure, deliberately retained that police on the same system for more than half a century, although for the greater part of that time it was known to be not only ineffective for good, but active in evil, and though it was decried by its own officers, scoffed at by Europeans, and execrated by the people whom it not protected, but oppressed. We are sorry to see that the excuse has been made that these days, (1837) were early days, and that the science of police was then only in its infancy even in England. Even the police Commissioners of 1861 have made mention of this apology. We can admit of no such excuse; it seems to us to be simply frivolous. England was whole centuries a-head of India even in the days of the 'Charlies,' nor was she in one-tenth part of the necessity for a good and strong police that India was in. The most determined enemies of the 'Charlies' never accused *them* for a moment of exerting an enormous power for the oppression of the people, and the benefit only of their own pockets. People in England then were not well-guarded in comparison with the people now; but they were, beyond all power of expression and comparison, better off than those in India. Then the country, in its richest and most civilized districts, was burthened with a flourishing system of wholesale murder by thuggee. Infanticide occurred in every other house. Gangs of armed dacoits,

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(whose horrible cruelties in those days makes them a different class to those of the present time,) wandered all over the land to plunder and pillage with the most impudent openness, and murders, one of which would have made all England ring from end to end, were committed frequently, without the slightest chance of the murderer's detection. When it is urged on behalf of a Government that has allowed such a fearful state of things to continue unchecked, that it is only quite lately that the 'Peeler' superseded the 'Charlie' at home, one can only laugh and wonder at the stupendous paltriness of such an apology.

We will, however, let by-gones be by-gones up to the year 1837. Further than this we cannot. At this date Government at last threw aside for ever the old excuse of youth and inexperience. The then existing state of things was fully admitted to be a deeply serious evil, and a committee of some of the ablest and most experienced officers of Government was called upon to gather evidence from all classes of the community, as to the nature and extent of the evil, to obtain a clear view of the difficulties that had kept matters hitherto so backward, and to suggest remedies to meet the case. The committee executed its work in such a manner as to leave the Government no excuse of ignorance for the future. And we are particular in marking this period, not only because the vital errors in our police system were then so clearly demonstrated, but because the measures taken to obviate those errors did, in spite of their very great insufficiency, produce such an improvement as to show incontestibly that the principles on which they were taken were sound, that they attacked the disease directly and wholesomely, and that the only mistake made, was in the scant application of them.

There can be but few Englishmen now in the country who personally know the police that this committee reported upon. We can hardly expect those who have known only their successors, to believe us when we say that, atrociously bad as those successors were, they were a marked improvement on the body of 1838. Such however is the case. In proof of our assertions we can only refer our readers to the recorded opinion of the officials who had seen both, and who wrote on the police between 1854 and 1857, and to the evidence taken by the Commissioners, which will most amply justify those recorded opinions. That police was simply indescribably bad. Instead of being a protection to society they formed its greatest and safest oppressors. They certainly sought out all the thieves and bad characters in their jurisdiction, but it was only that they might be sure of getting a share in the spoil. Over and over again men entered the force for the sole reason that it afforded them the means of rapidly

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acquiring wealth by violence and corruption, with almost no chance of detection. Actual robbers were enrolled, and sought to be enrolled, only because the appointment was their best stock in trade—because it served as an almost invincible weapon, at once of offence and defence. It will easily be conceived that the degree of insecurity to person and property, which accompanied such a state of things, was actually appalling. We cannot attempt to give in this place any abstract, however brief, of the evidence taken on this point by the Commissioners;—for that we must refer our readers to their report. But we may mention, as especially evincing the greater degree of evil which marked the police in 1838, the different character of the offence of dacoity as it then existed from that which it bears now. Not only were the bands larger, bolder, and more effective, but to join murder with dacoity was a very ordinary thing indeed. And hardly ever was there an instance of a dacoity, that was unconnected with the most atrocious, unnameable, torturing of the victims, men and women, old and young, with a view to extorting any property that might perchance be hidden. It was no protection to hide anything, for the country was so notoriously unsafe that the robbers could not believe that any body would leave their property unhidden. Let any one who doubts whether things have been better since 1839 than before it, read the sickening details in Blaquière's reports, in the one department of dacoity offences alone, and we do not doubt but that he will be convinced of an improvement.

The measures which produced the improvement were taken on much the same principles as those which were professed when the present system was introduced. The police of our large Zillahs, (undivided then by subdivisions) were left under the supervision and control of but one man, who, besides having to manage the police, had to sit as a civil judge, and to spend half his time, at the very least, as a Collector of Revenue. This was altered, and the police were made over to a Magistrate who had no revenue duties at all, and who had therefore, at least, double the time to devote to his police work. The pay of the force was so ridiculously small that any active Darogah would actually have spent four-fifths of his miserable monthly pittance (25 Rs.) in merely travelling about in the course of his duty—if indeed, any Darogah, in those days, had ever dreamt of paying for anything at all. This was altered, and the pay of Darogahs came in time to be about doubled, while that of the force generally was also increased.

It was found that the large area of Zillahs acted at once as a temptation and protection to a corrupt policeman, by making an

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appeal to the law too expensive for the people who most needed its protection, and by making any real supervision and control, on the part of the otherwise occupied and sole officer who had charge of them, practically impossible. Here again the remedy of subdivisions, (one of the many measures by which Sir J. P. Grant has left his mark deeply on the country,) whereby the central controlling power was extended in its full force to larger and more manageable areas, was in course of time applied.

In short, measures were taken, first, to procure men of better character and capacity, by the offer of better pay,—and there was then provided a greater degree of supervision, which is the only security for the maintenance of honesty and efficiency in the thannahs. This is precisely the one principle from which we can hope for any improvement in the matter of police. It goes directly to the root of the matter. It commences at once with the officials at the thannah. Pay and supervision are the only means whereby we can ever hope to bring honesty and capacity into the thannahs and then to keep them there. The market will provide readily a sufficient supply of men of any required pattern, if the proper price is paid for them, and proper supervision in any quantity is a similarly purchasable commodity. No righteous Government should wince for a moment at the market price however high it may be, or should ever pay less than that price, for the success of any Indian police depends entirely upon it, and will be in direct proportion to the amount paid for the body of police, and to the amount of good supervision provided for it. Pay and supervision are, in fact, the beginning, the middle, and the end, of the matter.

We have said that the improvement effected by the changes of 1839 marked the soundness of these principles, but when we use the word improvement, we by no means mean to say that the results obtained were anything but execrable even then. The Government still did not pay nearly the market-price for what they required. When a man purchases for sixpence an article that he can only get good at a guinea, he is sure to be put forcibly in mind of a certain homely proverb about the nastiness of cheap things. When he afterwards pays a shilling for it he may be twice as well off as he was before, but his purchase will still be a worthless one. And just such was the case of the Government of 1839. To readers of the present day we need bring forward no justification of any language against the old police. The evils of that senseless system were so great, and have been so recently felt, that there can be no necessity for our here reciting them. Nothing was ever condemned by a more unanimous verdict. As in 1839 so again in 1860 there

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was no one, official or non-official, at home or in India, European or native, who had a good word to say for it. And precisely the same kind of defects, very little weakened in degree, were acknowledged at the two different periods. There is no one who denies that this is the case, and that this should be the case is an undeniable disgrace to our administration. Sir F. Halliday, writing in 1856, admirably sums up the amount of progress in police reform that had been made up to that date. 'What, after all, 'has been done, (he writes) to improve the police during the 'last thirty years? We have ceased, it is true, to expect integ-'rity from darogahs with inadequate salaries and large powers, 'surrounded by temptation, and placed beyond the reach of con-'trol; and we have somewhat curtailed the excessive and unman-'ageable extent of our Magistrates' jurisdiction by the gradual 'establishment of thirty-three Sub-Division Magistrates.' Now, Sir F. Halliday was not only the most lenient enemy of the old police, but he laboured strenuously to retain the old police system, and a consideration of this gives especial weight to his words. When we think of all that happened in those thirty years; of the thorough manner in which the eyes of the Government had been opened; of the frightful state of misrule and oppression that had been brought to light, and of the clear exposition of remedies that had been made, another feeling joins itself to the sense of humiliation which comes over one on finding that nothing more was done than Sir F. Halliday has recorded, to afford relief to our subjects, and to wipe off the stain on our administration. Indignation itself can hardly find language adequate to characterize the conduct of a whole string of Governments, who, one and all, one after the other knowing what evils existed, and where the remedies lay, negligently acquiesced in those evils, and let the remedies alone.

History, it is said, repeats itself. We have seen that the police system broke down in 1860, from precisely the same defects that had broken it down in 1838. We have seen how markedly deficient were the steps taken to improve the police in 1839, and we are sorry—most sorry indeed, to be compelled to say much the same as to those taken in 1860. Unless there is some very radical reformation in the present system, we have no doubt whatever, but that there will be another trick done hereafter, and, perhaps, we shall not even then get out of this miserable round. The disappointment is all the more bitter now, because of the height to which our hopes were raised at first; for not only were the promises very great, but there was for a short time a very considerable performance of them. There was every reason to expect too, that in times like the present, past experience

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would at last have been made full use of, and that remedial principles, whose correctness had been over and over again proved to demonstration, would at last have been applied in the fullest possible strength to evils, whose existence was undeniable and undenied.

Taking things in their order we will first see what has been done in the way of supervision. When the system was first started in 1862, there was appointed a Superintendent-General as the chief of the police in the whole Governorship of Bengal. Immediately under him came his deputies, one to each local Commissionership, with duties in their jurisdiction precisely similar to those of the Superintendent-General.

In each district there was placed an officer who was given the charge of the police therein, who had none but police duties to perform, and who could devote his whole time to those duties, and under him a body of European assistants so numerous as to allow of one being placed in each subdivision of the districts, besides one at the Sudder station; and these assistants had within their jurisdictions powers similar to those of the district Superintendent, but subject to check and control from that officer. All this provided a very large degree of supervision. There was no stint of men or money. The Government seemed at last to be in earnest, and to have determined to expend their revenues on the police of Bengal, in a degree, which justice to the chief contributors to Indian revenue had long demanded. We cannot, however, say that we think that the *whole* scheme was wise, or that the money spent on the two higher grades was anything but wasted; for in our opinion the Superintendent-General and his deputies are absolutely no use whatever for any purposes of supervision or anything else. But the method whereby the authority of the District Superintendent was carried by his assistants into every subdivision of the Zillah we hold to have been an unmixed good, and a measure upon which the whole scheme of supervision depended for its success. The only great public measure that any Superintendent-General has yet taken has deprived the country of this, and has again confined the supervision of the police of a whole Zillah to one single man.

We will endeavour to give reason for our assertions. We do not feel it necessary to say much as regards the Superintendent-General. Seeing the gigantic area over which his duties extend, we are astonished that any reasonable being should expect from him what is required of him. It is all the more extraordinary, because the thing has been tried and proved to be a failure under the most convincing circumstances, where we find an officer so unusually well-adapted for the work, as was Mr.

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William Dampier, telling the Government that, in spite of his most strenuous efforts he was unable to satisfactorily superintend the police in the most accessible districts of Bengal, and over an area actually large indeed, but comparatively small. We may be completely certain that no officer, however great his energy may be, can have the faintest chance of succeeding in an area three times as large, and the greater part of which is extremely difficult of access. It is astonishing that Government should again spend so much money for an object that has been demonstrated to be hopeless. When the Commissionership of police was given up, his duties were handed over to the Commissioners of divisions, each in his own jurisdiction, who corresponded on police matters directly with the Bengal Government. Why this should not be done at the present day by the Commissioners (or by the Deputy Superintendents-General, if they must be kept on) with the advantage of saving Rs. 39,000 in salaries, and a further large sum for office establishment,—we are utterly unable to imagine.

We come then to the much debated appointment of Deputy Superintendent-General, about which so much has lately been written in the public prints. We have said that the Inspector General is not only an impossible appointment, but a useless one if it were possible, because its objects can be equally obtained by means of the local Commissioners without the expenditure of one additional rupee, and with (as we further believe) considerable advantage to the general system of administration.

We wish to guard against being misunderstood when we say that these are very much our objections to the office of Deputy Superintendent. On animadverting upon this grade we do not for a moment deny that the objects it is intended to attain by this means are most useful; for we consider them as absolutely essential. Our argument is, that the system of Deputy Superintendents is at once the most expensive and the least efficient of all means to these most essential ends; and should on *that* ground be abolished. We do not for a moment mean to impute personal incapacity to any one of the gentlemen holding these appointments. We attribute their practical uselessness to the restrictions of necessity placed upon their functions by the general system of administration, and to an utter want of experience; which experience it is no fault of theirs that they do not possess, but which is the fault it and the very nature of their work that they can never acquire.

Colonel Bruce has quoted from a Minute, by the late Lieutenant-Governor of Punjab, a very clear and precise statement of the work that is expected from a Deputy Superintendent.

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'The Deputy Inspector General becomes a school-master of 'his District Superintendents to instruct, advise, and guide them. 'He takes care that every district in his division works *con* '*amore* with others and not independently. He is kept perfectly 'informed of the state of crime in each district. He watches closely 'the working of each District Superintendent, and is ready at once 'to remedy any omissions from ignorance, and punish any faults 'from carelessness. His duty is to teach and instruct and keep 'all his officers at work. He is, in the opinion of the Lieutenant 'Governor, *the backbone of the system.* His central position and 'large jurisdiction enable him *particularly to study professional* '*crimes.* He traces it from one district to another, and prevents its 'concealment. All this he does without the least harassing his 'District Superintendent. In fact the suppression of crime is his 'primary duty, and the maintenance of discipline and interior 'economy is perfectly compatible with it'

No one has ever been found to deny the extreme importance of these duties, or that their proper discharge is essential to any system of police that is worth a straw. But the question has been raised as to how and by whom they must be carried out to ensure their proper performanee.

One of the things that makes the present system so deplorable is, that it introduces into the department of the criminal executive a divided and therefore a weakened authority, a double Government in the strictest and most condemning sense of the term. 'The part,' says an old Greek proverb, 'is sometimes greater than 'the whole,' and similarly there is a sense in which it is true that two are sometimes less than one. The system which makes a Commissioner the head of the police in his division, but forbids him in any way to interfere with the management of the police, or to bring himself in contact with the officers or the force, and which gives the Deputy Superintendent General the internal management of the office, but allows him to make no use of it, except under the Commissioner's direct sanction, is a manifest absurdity that was called into existence only on account of a perfectly insane endeavour to combine the principle of separating police from judicial functions, with the practice of maintaining united police and judicial functionaries. In all the newspaper correspondence on the subject we have never seen a single instance of anything being urged in favour of this division : there has been no sort of difference of opinion upon this point. The one only question that has divided people is, as to which of these two ought to be invested with the authority of the other in addition to his own. None who have written on the police side of the question have supported the present system, as it now exists.

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We are all in favour of the Commissioners in the matter. Much has lately been said as to the inutility of this officer so long as there also exists a Board of Revenue. We can by no means concur in any such opinion. We do not think that either the Board or the Commissioners can be done away with at all. It is possible, very possible indeed, that the Board might in another form be made at once more effective and cheaper; but we never once have heard of any one who would argue, that its functions could lapse altogether, and that the Government could successfully conduct the revenue administration at first hand. It is obvious that any Lieutenant Governor, who attempted to super-add to his present work all the work of the Board, would be completely overwhelmed. With a view to getting the administration accomplished at all, and on the soundest principles of the division of labour, it is at once necessary and politic to hand over to men of large experience and capacity all matters of executive detail, which it is not necessary for the Head of the Government to perform himself, and which it would be a simple waste of valuable time for him to perform. And it seems on all hands agreed that an arrangement for this object must be made, whether that arrangement appear in the form of the present Board, of a smaller Board, of a Revenue Secretary, or any other of the many schemes that have been suggested. But we cannot but look upon the Commissioners (even were they merely revenue officers) as a necessary corollary to the Board of Revenue. It is as true of them as of the Head of the Government, that they would infallibly be swamped if they attempted to administer the revenue at first hand. It is as true of them that they can only get through their more immediate important duties, by leaving the details and lesser work to subordinates who can accomplish them as thoroughly. Assuredly no one who is acquainted with the workings of a Collector's office will deny this position. We cannot but think that any one who does deny it, does not know how *very* much of a Collector's time is taken up in corresponding with the Commissioner, what an *enormous* mass of writing passes between them, and how very little to the point most of it is. The Commissioner and the Collector are very considerably occupied in merely putting rough material into a fit state for the Board to work upon. Let any one take up a large bundle of correspondence and separate the pith from it, and he will see how very small a portion of that bundle the pith *is*. The bulk of it is made up of *takeeds*, mistakes, corrections, explanations, explanations of explanations, &c., &c., &c. It is absurd to suppose that the Board can waste their time over such work as this, though, of course, such work must be done. The most

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determined enemies of the Commissioners must allow that each of them has at least two hours of work a day.

On this calculation if the Board undertook the duties of the ten Commissioners, it would require them to work twenty hours every day *merely to get their material in order.* There seems to be pretty strong proof that with their material ready, the Board have at least as much to do as they can get through. How else is it to be accounted for that they are so continually in arrears? It must either be most unreasonably and unwarrantedly asserted that gentlemen, selected for the Board for their distinguished industry and capacity, turn foolish and idle as soon as they are placed there, or it must be admitted that in spite of all that is taken off their hands by the Commissioners, the Board is over-worked. The office of Commissioner of Revenue follows as a necessary corollary on this unavoidable admission.

But it is a great mistake to consider the Commissioner as being only, or even chiefly, a Commissioner of Revenue. The Head of the Government in whom all executive functions unite, does not require assistance in the Revenue Department only. This may, indeed, be that which is the most immediately interesting to the Government, but the department which secures the public peace, and guards over persons and property, is assuredly a more important one in itself. In any government in the world worth mentioning, nay, in such comparatively small matters as the command of a ship or a regiment, the Head of affairs can only carry on the administration at all by means of subordinates, to whom much of his power must be delegated. But in a country so physically circumstanced as Bengal, of so gigantic an area, and so mixed and dense a population, the Head of affairs is under a more than ordinary necessity of delegating a more than ordinary proportion of his authority to his immediate representatives. No Lieutenant Governor unaided could make his power felt throughout the whole of such a province as Bengal, nor, indeed, if he could make it felt, could he possibly tell where and how it required to be exercised. The Commissioners are at once the hands that wield his power, and the eyes which direct it.

It must be sufficiently obvious that in any such arrangement, the error should be avoided of giving to the Lieutenant Governor's delegates any division of the country, that by mere smallness of size may fritter away the Lieutenant Governor's strength, or take away from the broad *coup d'œil* of affairs, which it is essential that such a Governor should have.

There must then be men who, under whatever name, shall be in a position that corresponds to that present Commissioners, so

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far, at least, as regards the extent of their jurisdictions. We think it no less obvious that in order to make them of the greatest possible use to their chief, and also, still more, in order to preserve that breadth of action which is essential to the head of the Government, they should be invested under him with every power of a Lieutenant Governor, which would not interfere with his own liberty of action. Indeed, it is only by an arrangement such as this, that the Lieutenant Governor's authority can be divided out among Commissioners in such a manner, that it shall not be weakened in the division.

Briefly, it seems to us incontestibly necessary, that the Lieutenant Governor in his full executive authority should be represented by officers of high dignity and talent, within as many large subdivisions of the province as its extent may demand; and we do not see how such officers as these can differ materially from the present Commissioners. At all events it will not be denied that, whether this be a correct theory or not, (and we have no doubt of its correctness,) it is at least the theory which is in actual practice; and we complain that the office of Deputy Inspector is one that is totally at variance with it, and prevents the fulfilment of the demands which it was intended to meet.

Anything that destroys the unity and completeness of the Commissioner's office, necessarily tends to detract materially from his general usefulness; and this must be more than ever the case, when he is deprived in any degree of the control of that department, by which the immediate and most important object of all government must be attained. He is no longer able to give even an approximately correct view of the state of his province to his chief, from any personal knowledge of his own; nor will it be denied by any one acquainted with the Moffussil, that the loss of that insight into general affairs, which the exercise of police functions alone can give, materially interferes with the Commissioner's extent and correctness of view in other matters, and thus introduces a source of weakness which must taint the whole executive Government.

The method again in which the Commissioners have been deprived of their police functions strikes us as peculiarly objectionable, inasmuch as it is a method admirably calculated to weaken directly the higher control of the police. If there is any department in the world which needs centralization, and a centralization of a peculiarly defined and determinate character, it is the police; but the result of the present arrangement is, that there is no centralization at all, and (as the proposers of the scheme have themselves declared) it is impossible to define where the duties of a Commissioner and a Deputy Inspector begin or end

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with respect to each other. The result of such indefinite arrangements must be most obvious. It opens a wide door for the most lamentable disagreements; and it puts an end at once to all uniformity of public action, not only in each division of Bengal, but even in each of its districts. Where the definition of their functions is left to be arranged between each Commissioner and each Deputy Inspector, it is clear that in each division arrangements will vary with the characters of the men. In one district a *laissez faire* Commissioner will leave the Deputy Inspector in preponderance, in another for the same reason the Commissioner will be uppermost, and in a third there will be a hard fight and some equality between the two. As the officers are changed, the preponderance will change with them.

Nor does this uncertainty attach only to the divisions, it runs through each Zillah as well. The orders of a Magistrate are supposed to be binding upon the District Superintendent in all that does not relate to the internal management of the force. As a matter of fact, however, it is not so. Whenever the indefiniteness of the arrangements leaves it open, (a matter of very frequent occurrence), a District Superintendent immediately appeals the order to his Deputy Inspector. The amount of quarrelling and heart-burning which this must lead to, and *has* frequently led to, is one of the most serious drawbacks in the present scheme: and its action in weakening the police it is difficult to over-rate. It has led to a most lamentable jealousy between the general executive and the police, a result which with all its attending evils might have been, with the utmost certainty, predicted, from the division of the police functions. It has further led to a most obvious partizanship (honest no doubt) and to a dangerous antagonism, which in every difference of opinion leaves all the police officers always on one side, and all the civil always on the other; and such a wound as this must soon be fatal.

We ask our readers to re-peruse that statement of the duties of a Deputy Inspector, which we have above quoted from the late Lieutenant-Governor of the Punjab. We have stated our full concurrence with it, nay, we insist upon it, as any reasonable man would, as being essential to the higher objects of any system of police. Why is it then that duties so essental and important are taken away from the immediate heads of the large divisions of Bengal? Why are such officers thus in executive charge deprived of the power of acquiring personal knowledge of their police officers? Why may they not guide them, and remedy their defects, and keep them to their work? Why are *they* of all men to be precluded from studying at first hand professional crimes, &c., &c.?

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The objections seem as little obvious as the advantages are directly obvious. It must surely be indisputable that the chief executive officer of a division, one who is expected to keep a strict eye on criminal matters, and to report annually on the work of the police, would be very much the better for a personal acquaintance with the crime of his division and its suppressors, while he would bring with him a knowledge of the characteristics of his division which he alone can bring, and which must be most invaluable to any one who has to discharge the duties set down for the Deputy Inspector General. Is it in any sense a politic measure to deprive the police of all the weight, influence, and experience which the Commissioner, and he alone, can bring to it? Is it in any point of view wise to pay another man to perform what are already the clear duties of the Commissioner? Does not experience tell us that when two men are each responsible for the same work, each is liable to suppose the other will do it, and so leave the work undone? But we complain, chiefly of all, that under the present system there is no reasonable hope or chance that these essential duties can be fulfilled by the Deputy Inspectors. These duties have been long perceived and acknowledged to be duties requiring more than simple energy or general talent for their discharge. They are difficult and technical to an extent that demands a long apprenticeship. No man can possibly hope to be born as it were into a knowledge of them. Few things were more universally admitted than that the want of experience and practice in Zillah Magistrates was one of the primary causes of failure in the old police. At the worst of times the average Magistrate's experience extended over six years, while there has been but one instance of a Magistrate of only three years' standing. If this sort of thing was totally insufficient for the conduct of the police of a district, it is clear that a very much larger amount must be required in the Head of a division. Considering that the many errors of inexperience are amongst the things which called for the downfall of the old system and the erection of a new one, it strikes us as the most marvellous part of that new system that it puts into the offices requiring most experience, men who at that time had never had one day's experience; and not one of whom at the present time has more than that very three years' experience which was held up to such fierce derision in the case of one district officer! Here is a 'heaven-born' system with a vengeance! Only one of two things can occur from such appointments. The Deputy Inspectors must choose between being uselessly inactive, or mischievously alert. The hardship upon these gentlemen is that being at once promoted above the only grades in which an apprenticeship

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to their business can be served, they have no chance whatever of acquiring any knowledge of that business, and that the certain result has taken place that they are far less practised and capable, as officers, than their owu subordinatcs whom they are expected to supervise. The writer has himself seen several striking instances of the feebleness of the Deputy Inspectors, and their inferiority to the District Superintendents. The writer has seen masses of reports sent in by the District Superintendents to their superiors which have been returned, without the slightest notice having been taken of any of the more important parts, and scarcely ever with any remarks at all, unless it is upon some point of difference between the District Superintendent and his Magistrate, in which, without one exception, *the District Superintendent has been invariably supported.* Unless there is some such difference or a direct question put, the reports are returned uncommented on. One striking instance we can give. In one of the Western districts where the inhabitants were suffering severely from scarcity of grain, several exasperated villagers began systematically to plunder the grain boats passing through their villages upon their way to Calcutta. The matter was, of course, one of unusual importance, as being a gross outrage likely to lead to aggravated riots, and sure to have the very sad effect of frustrating the object of the rioters, and preventing dealers bringing their grain into the district at all. A careful and able report of it was submitted to the Deputy Inspector General, and was returned by him without comment; nor did he even by word or deed take any action of any kind in what were assuredly the most important cases by far of the whole year. The only thing by which one could judge that he had read the report at all was, that at the last paragraph he had recorded his concurrence with the District Superintendent against the Magistrate, on a matter of most trivial detail concerning the method of collecting Chowkeydaree Tax!

It seems to us that in all this there is a worse error than the merely paying a high price for an unattainable object. During the first years of the new system (the period of all most valuable for purposes of instruction, and in which the permanent characteristics of the system will have been acquired,) the police will be deprived of all which would give them uniformity of action, which would guide their endeavours in the most proper directions, which would be the animating principle of the whole body, and which would make each of the detached and distinct portions work together, as if they were all wheels of the same machine. It will be very long before the system can recover the effects of so very bad a start, and till it does recover it, the public will be made to suffer most largely and most unjustifiably.

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Lastly, even supposing that the Deputy Inspectors were men qualified by experience to undertake their functions, Colonel Bruce seems determined to make it physically impossible. When the new police came into existence, the question had to be decided as to what was to be the extent of jurisdiction of each Deputy Inspector General. The problem to the solved was a very delicate one. It was (to paraphrase the words of the Police Commissioner) to assign to each man the maximum area of crime that he could watch, and the maximum police force that he could singly bring to bear upon it, without ever exceeding the limits in which he could do this efficiently, so that while arranging that the strongest possible combined action might be brought to bear upon crime, (especially organized crime,) the error might be avoided of making the combination of force merely nominal, by giving it too large an area, in the more distant parts of which the influence of its controller could be felt only to paralyze action. In short, each centralized area was to be made as large as possible without being too large. How has this problem been solved? For reasons too obvious to need enumeration here, there was little choice left but to make in Bengal the jurisdictions of the Deputy Inspector General as nearly as possible conterminous with those of the Commissioners, whether they included only one or more than one. At first starting, a Deputy Inspector General was appointed for each Commissioner's division. They have since been gradually reduced till at last, since the publication of Colonal Bruce's final report, there are but four Deputy Inspectors General to the whole of the Regulation Provinces and to Chota Nagpore into the bargain. Each of these officers has from 9 to 11 districts to superintend, having areas of from 44,000 to 75,000 square miles, with populations of from 8 to 10 millions of souls! The jurisdiction of one of these officers extends along the whole coast of Bengal—from Pooree on the West to Chittagong on the East.*

We emphatically deny that it is possible for any officer to become a master in such tracts as these. No man can possibly make any close supervision in such an extent of work. The inevitable consequence has resulted, that there is no highly paid officer, whose existence is so entirely unfelt and unnoticed

*At one time, and for some few months, the officer in charge of this latter range (of all others) was burthened with the additional charge of another large division! It may sound incredible, but it is the fact; and the only excuse we can suppose for the Government that made such an appointment, is, that they were firmly convinced that the Deputy Inspector General's was a merely nominal office, from which no political benefit was to be obtained.

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as is the case with these Deputy Inspectors General, with whom it should be precisely the reverse. Their time is chiefly taken up in corresponding, reporting, and making returns. When they do travel about, they make the most flying and resultless visits, in which their most anxious business would seem to be, the laying their dâks in time to get on to the next place. These gentlemen, owing to the large areas of which they have to take charge, have sunk into that sort of public life which is the lot of Post Masters; they are continually occupied in the receipt and dispatch of letters, and in any such way as this, they can never make themselves of the slightest use either to the Government, or to the Zillah authorities, or to the public. On the whole, we think we never knew either a more useless or more mischievous waste of public money, than is incurred for these officers. What *can* be the amount of supervision (which, as we have said, is, together with pay, the beginning and middle and end of the matter,) that these four men are capable of providing for all Bengal? They are needles lost in a pottle of hay, and to the officials at the thannahs, (where supervision is most essential,) they are as though they were not!

The grade of District Superintendent is the first one, the only one, in which any useful change has been made; we are sorry that even in this, we must admit the existence of a great deal of alloy. Very much of what we have already remarked as to the relation between the Deputy Inspectors General and the Commissoners, is applicable to the District Superintendents and the Zillah Magistrate; and it is the less necessary that we should repeat these remarks, as we wrote with some fulness upon the matter in our former article.

Decidedly the most important and most healthy reform aimed at in the new system, was that whereby this grade of officer was enabled to bring about in a great measure the separation between the police and judicial functions. It was not a full measure, however, nor could it possibly be so, so long as the Magistrate was concerned as a police officer in all the more important cases, and at the same time continued to sit as a judicial officer. We will admit if it be so required, that this arrangement was an unavoidable one; and that the tact of the officers concerned, combined with their knowledge of the desire to separate these functions, would prevent the Magistrate from hearing judicially any case that he had himself worked on as a policeman. In fact, that if the union could not always be avoided, it might have been expected to happen in so very few cases, that the exceptions would hardly be perceptible. But even this is not to be allowed, and ("*mirabile dictu*") it was the High Court itself which urged on the

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Government to the destruction of one of the very chief elements of all justice and fairness.

The High Court in their last annual report expressed extreme dissatisfaction that the Magistrates of the districts had personally tried but very few cases, and ordered that in future they should exercise their judicial powers to a marked degree, and in what class of cases? Why, in all the most important ones, in those precious cases in which of necessity the police must act, and in which the Magistrate has to direct and guide the police action as head of that department. This extraordinary order to policemen to sit as Judges over their own police work is, perhaps, the most astounding order that was ever issued by a Bench of Judges. It is to the Bench of Judges, of all others, that we should have looked for the assertion and resolute maintenance of so very axiomatical a maxim of justice as would be indicated by the exact opposite of this order.

We are particularly astonished at the reason assigned for it. The Judges say, that it will not do for Magistrates, whose next promotion will raise them to the Zillah Bench, to take their seats upon that Bench without having had, during some previous years, any judicial trials to conduct. They express a fear that Judges thus unpractised will be found deficient both in their law and their procedure. We are astonished that such an argument has come from gentlemen, who have themselves been Judges and Magistrates and police officers. There is a plausibility in it, which might make it appear sound to every one who is ignorant of the real state of the case, but the Judges can hardly plead ignorance of it. We deny utterly that a Judge who as a Zillah Magistrate, has tried no police cases himself, will be a bit the worse Judge on that account.

The reason is simple. As a policeman, he has done everything that is done by a judicial officer hearing a case, with the single exception of passing sentences;—*acquittals* he performs over and over again. There is not one step in the hearing of a case down even to the selecting of a charge which is not first gone through by the police, before the case goes to the Magistrate for trial. It would be just as good an argument to say, that the Magistrate who commits cases to the Sessions, has no judicial experience. In such cases, the police officer stands to the judicial Magistrate in a relation which differs in no material way from that which exists between the committing officer and the Sessions Judge. Every shred of evidence which the judicial Magistrate hears, has first been heard and recorded by the police officers. The policeman like the Magistrate has to weigh that testimony, to check it by other testimony, to consider upon its admissibility or otherwise,

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to check it by other evidence, and to decide upon the degree of credibility to be attached to it. Like the judicial officer, too, he has to decide what is the offence that that evidence tends to establish, and to quote the law applicable to it, or whether it makes any offence at all. And he does this under a guarantee for his carefulness, which has precisely the same effect as the guarantee of appeals. The judicial bench is, in fact, his court of appeal, and according as his work stands good, or is condemned there, his character is acquired. If this is not a judicial training for the criminal bench, then there is no such training to be had. At any rate it must be undeniably so, if it be further combined with the actual trial of cases in which the police are not concerned. So simple a course as this does not leave any necessity at all for what we must call so culpable an order as that, whereby the highest judicial court in India have anncunced, that the more their subordinates break the golden rule which forbids the thief-catcher to be the thief-trier, the better will that High Court be pleased with them. Perhaps, when the bench could commit themselves to such an order, it is not astonishing that the Head of the executive Government should have backed them up. Nevertheless, we *are* astonished that the Heads of two such departments could already be found uniting to work the downfall of what has always been allowed to be the vital and animating principle of the reform so lately introduced. Of this order we will only add, that it has destroyed the chief use and object of the office of District Superintendent.

It is impossible not to feel a very high respect for this grade of the police. We think that the extent of experience that they have contrived to extract, out of the little more than three years, during which they have existed, is perfectly marvellous. And not the least remarkable and praiseworthy fact in connection with them is, that they have, as a general rule, pulled thoroughly well with the magistrates under circumstances which might have been expected to lead to very different results. The grade seems to be day by day acquiring more usefulness and skill, and we make no doubt but that in a comparatively short time, its members will become as excellent officers of police as can be desired. Some faults we must admit, but most of them are inseparable from the system, and a good deal must be debited to the fact, that the District Superintendent is subordinate neither to the Magistrate, nor to the Deputy Inspector solely, but owns a divided allegiance to both. Owing to their being only policemen and unconnected with the general executive, they are apt to take a view of the work too narrow for an Indian police officer.

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Instead of looking at crime in the mass, drawing general conclusions from it, and making a special arrangement in accordance therewith, they are too apt to look no further than each particular crime as it comes under their notice, isolating it altogether from its fellows. One more fault there is, and of the very greatest importance, which we must attribute to the officers themselves and not to the system. Time, it is to be hoped, will cure it, but the sooner it is eradicated the better. There unfortunately exists among them an '*esprit de corps*,' (so called), of a very fictitious and deleterious character, which appears in a lamentable tendency to stand by their subordinates through thick and thin, through evil report and good report, under (apparently) the unreasonable idea, that it will not do to let the force appear otherwise than immaculate. Nay, so far has this gone, that some District Superintendents seem to act in the belief that it *is* immaculate, and to be unable to credit, however patent it may have long been to others, that a native policeman, even of the highest grades, may be a great rascal. Not only does this most blameworthy leniency exist, but there is added to it the fatal mistake of publishing its existence to the native force. We need but refer to the late case of Inspector Maclean to show the sort of thing that we mean. Supervision of this tender nature is worse than no supervision at all. It is the holding out of 'sweetmeats in both hands,' which will no more answer with the native police than it did with the native army. It is well to have and to exercise the power of reward; but one hand should hold the rod, and hold it to some purpose. The police are not, and never have been, a body to be relied on and trusted. Had they been so there would have been no need of District Superintendents. These officers should be jealous to detect and punish, rather than to conceal, blemishes. Their hand should fall heavily on all offenders, or they are worse than no use at all. Without unflinching and unfailing punishment wherever wrong-doing is detected, there can be no controlling the police, and no earthly use in supervision.

But enough of fault finding. It is a very great improvement indeed, that there is now an officer placed in charge of the police who is required to devote his time solely to the police, and who cannot compensate for failure therein, by any success in other matters. But though this has led to a most marked improvement in the *official* work of the police, though the police work is most admirably scrutinized, and cases are sent up incomparably better prepared than in old days, yet we cannot say that the District Superintendent, harassed as he is by far too great an extent of office work, has sufficient personal acquaintance

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with the native ploice, or any thing like a sufficient power of supervision, where supervision is most essentially necessary. We mean in the non-official action of the police, their relations with the people, and all those matters which, for the best of reasons, they desire to conceal from the District Superintendent. Let us consider the chief cause of so serious a blemish.

It seems to us that the most essential blunder of all has been committed with regard to the Assistant Superintendents. Colonel Bruce's agency has made itself felt in reducing the number of officers in this grade, till, instead of there being one in each subdivision, as well as one at head-quarters, there are now scarcely any in subdivisional charges. Colonel Bruce seems to us to have missed altogether the real use and great importance of this grade. He has caused a renewal of the old error of doctoring every part of the system, save that in which the disease is seated; and this is the more unaccountable, when we consider how frequently it has been demonstrated that the one hope of really reforming the police, lies in really reforming the thannahs. It is startling to find that the only reform that has ever yet been applied to the thannahs, has been almost immediately withdrawn.

We will endeavour to explain what we mean in thus calling the grade of Assistant Superintendent as it at first existed, a reform bearing directly on the thannah. By far the greatest, and almost the sole, difficulty that there is with the thannahs, is the counteracting the (very generally) insuperable temptations, to which the officials are subjected by their position. As a general rule, no men of any country can be expected to have in themselves a love of virtue for its own sake, sufficiently strong to carry them scathless through the ordeal. The nature of these temptations is too generally known, and the subject is too hackneyed, to make it at all necessary for us to take up space in making a detail of them; but the present regime has developed a new one, whose strength it is difficult to over-rate, and which we must notice. There has been a degree of pressure and stress laid by the Governor and the Heads of the police upon the procuring of convictions, that has, in our opinion, worked a great deal of harm whenever it has been applied, but has been most directly mischievous with the police. Now a days, every officer, from the District Superintendent downwards, is taught to believe that his character in a great measure depends upon his being able to shew a large proportion of convictions against acquittals. The consequence of pressing so very dangerous and objectionable a test is, that now every police officer who has made an arrest, even if under circumstances of suspicion, sufficient to justify the arrest to any reasonable man, feels

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that he has made a great mess if it is shown to him that the arrested man is innocent. Long after he is actually convinced, he will argue against himself that it cannot be so, and he detains the poor fellow in custody to the last possible moment, straining every nerve to make out as strong an apparent case as possible against an innocent man. It can hardly be necessary for us to show what this will infallibly result in. In the case of a man who leads the life of a native police official—a life of temptation which it is hardly in human nature to withstand—it must be a matter of too frequent occurrence, that in such a case as this, the policeman will not confine himself to legitimate means. And still more often will this be the case, when the accused has been arrested on grounds that are not reasonable, (and hasty arrests are of common occurrence,) which will ensure the policeman a severe censure at least, if not some heavier punishment.

The police have long lain under an incentive to procure evidence, even true evidence, by illegal and violent means, for which the administration is in no small degree to blame. It is undeniable that the police and the administration between them have made a criminal prosecution a burden of such a crushing weight, not only upon those who are connected with the trial, but also upon all the inhabitants of the place where the investigation is made, that it has become the one object of the whole Moffussil population of Bengal, to attempt to hush up crime, to keep out the police when possible, and, when it is not possible, to hush up each his own individual knowledge of it, in order that they may not undergo the severe misfortune of being required to appear as witnesses. The police being met by a difficulty so great, and being at the same time compelled to detect crimes, took the one step that suggests itself to native minds in such cases, and proceeded to extort their knowledge from the villagers by hard usage, in fact, by torture. By merely changing designations, but leaving other circumstances unchanged, it could not be hoped that a traditional policy, so deeply ingrained and so very consonant to the character of the people, would be altered. Indeed, the amount of consideration and deferential respect which has been thrust upon them lately from without, unaccompanied by any of those qualities from within which ensure such consideration and respect without any occasion for enforcing them—nay, even the pretentiousness of their garb and of their semi-military training,—have conferred upon the new police an arrogance and unwonted sense of power, which, it is much to be feared, have made them bolder in the abuse of power, while it has assuredly made the people more abject to them, than ever.

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But that which, more than anything else, has a tendency to confirm the policeman in a course of violent action for what he supposes to be the benefit of justice, is the unfortunate distinctness with which he is allowed to see that every conviction he obtains tells in favour of his superior, and is well pleasing to him. Doubtless, nothing is more true than that the superior would be the reverse of pleased, if he discovered that even a just conviction had been obtained by unlawful means. But unfortunately nothing is more true also, than that native officials of all classes do not believe this in their hearts, and evince no belief of it in their action. It may appear hard to say so, but truth compels us to observe that this want of faith in the honesty of their superiors, is very much the result of the line of conduct which those superiors have unfortunately taken. Not for a moment would we stoop to make any unjust and unworthy imputation against a body of zealous officers and gentlemen, whose uprightness of conduct is not less conspicuous than their zeal. But we will ask them to consider what must be the effect on the native mind of that miserably misapplied '*esprit de corps*' of which we have before spoken, which induces so many police officers to shield the misdeeds of their subordinates from public scandal and from the anger of the law. Any extenuating of wrong doing, any warding off of its just punishment, by officers of police in whose favour the wrong doing has told, can have but one effect on the minds of their half-educated and far from scrupulous subordinates. They will assuredly believe that their superiors are very willing to benefit by unscrupulousness, and that their sin will be comprised not in the wrong doing, but in the being detected. Even one such instance as that which lately occurred in Beerbhoom, (where a District Superintendent having in a public manner admitted that his subordinate was guilty of cruel torturing in order to extort a confession, strove his utmost to screen the offender from the just penalties of the laws he had outraged,) would publish to all police subordinates a state of affairs which could not but confirm and encourage them in obtaining evidence (true or false) by very similar means.

And how are these temptations to be counteracted? There can possibly be but two ways. The first is to raise the pay of the police so high, as to place them above temptation, and the second is, to exercise towards them a supervision so close and and constant, as to leave them little or no chance of escaping detection in wrong-doing. The first of these methods is not only very uncertain in its action, (for who shall put a limit to the greed for money!) but it is financially impossible to carry it out. Nor would it be justifiable to do so, whilst there remains

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another means not only cheaper, but more direct in its action, and far more certainly effectual.

We are left then with the one available resource of supervision so close as to leave a corrupt and violent policeman no chance of escaping detection. Well, and where is it to be found? The answer to this question is a most disheartening one. It is nowhere to be found, because this most essential check has been swept away by the promoters of that new scheme, which not only left all the old sources of temptation undiminished, but which has added new and powerful ones. Of course it will be said that there is a greater amount of supervision than there ever was before, seeing that the District Superintendent, and his Assistant at head quarters, have no other work than police work to do. But we deny it. It is true, if the present state of things be compared (though merely comparative improvement is not required) with that under the old police, but it is not true *if the new system be compared with itself*, for there is not by many degrees the same closeness, or the same amount of supervision that existed, when every subdivision was under the immediate charge of its own Assistant Superintendent. The retrograde step that has been taken seems to us to be quite inexcusable. We will maintain without any fear of denial, that as regards that description of supervision which we are now writing about, the District Superintendent is to all intents and purposes every whit as ineffective as was the policeman Magistrate. It is true that in the official work of the thannahs (which the native police *cannot* keep from their superior's eye), the District Superintendent is enabled to put such a check upon official ignorance, upon negligence or apathy, as has wrought an improvement of a most marked character in the quality and finish of police work, an improvement which we think will be admitted by almost all judicial officers. But in non-official matters, in all matters of illegal interference, of violence or corruption, of which police in Bengal have been undoubtedly guilty, and which they are undoubtedly adepts in concealing from the eyes of their superiors, we repeat that it makes no difference whatever to the malfeasant policeman, whether his sole supervisor is a policeman Magistrate or a District Superintendent. It is a hopeless thing, a demonstratedly hopeless thing, to expect that any *one* man situated at head quarters, whose time is occupied to no trivial extent in office work, (and who can rarely leave his head quarters without his destination being known), can exercise a supervision so constant and searching, as to enable him to follow the minor movements of each of his thannahs, or to give the slightest uneasiness to any of his thannah-dars.

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It would be difficult to imagine any practicable plan which more directly attacks the evils to be remedied, or which could supply a sharper supervision, than that which was formerly supplied by the Assistant Superintendents in charge of subdivisions. These men multiplied the strength of the District Superintendent by the number of sub-divisions in the District. They gave him in no small measure the advantage of ubiquity. Instead of being oppressed with the whole weight of all the district thannahs, he never felt the burden of more than the four or five which formed each subdivisional jurisdiction. These jurisdictions were all of a very manageable size, and the officer in charge of them was brought very directly in contact with the thannah officials. He was not only enabled to see their work thoroughly, but he was also able to see them at work whenever he chose. He was able to teach in a few hours on horseback any portion of his charge with the greatest ease. He might be here to-day, there to-morrow, elsewhere on the third day, and none could tell whence he had come, or whither he was going. Each policeman would have been satisfied that his rigid supervision might appear at his police station any day or any hour. Nor was this direct supervision the only species open. An active young man, travelling constantly about, and keeping his ears and eyes open, would be able to tell very fully and accurately, how his subordinates worked, and precisely how they treated the people who came under them. If such an officer made himself accessible, and listened patiently and fairly to all that the people might bring before him, and let them know as an European very soon would, that he would listen with readiness, decide with impartiality, and punish with severity where punishment was due, he would very quickly come to be regarded—by the people as a protector from oppression,—and by the police, as a man whose honesty and well-used means of acquiring information would render oppression on their part a most unsafe, if not impossible, game to play. *This* is the sort of supervision that all past experience has shown to be essential, and without this we do not hesitate to say that no police will acquire a character for honesty or trustworthiness. We feel that we cannot too deeply lament the loss of this, which is the only supervision worthy of the name. We cannot but look upon it as perhaps the most important, and decidedly the most essential of all parts of the new scheme, as it was originally put in practice. We do not hesitate to assert our belief, that had all other grades of police officers been abolished, and this alone been retained, we should have had a body of native police of a far more trustworthy and reliable character, than has been produced by the exactly opposite course of

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abolishing subdivisional assistants, and retaining all the other ranks. We do not urge any other objections to the abolition, we do not here refer, as we did in our former article, to the extent of the mischief which has been committed by abolishing all subdivisions, as regards the most important department of police, for we feel that all other considerations, important as they may be, are swallowed up in the magnitude of those which we have been urging, concerning the protection of the public from the police, and of the police from the overwhelming temptations which beset them.

Colonel Bruce has given in the publications at the head of our article a variety of reasons for his recommendations to reduce the Assistant Superintendents to a number that shall leave some half dozen districts without any Assistant Inspectors at all, and no districts with more than one. We cannot avoid the conclusion that he has striven hard to make up these arguments, and that there is not one which he himself feels strongly. He was extremely disgusted to find that a great number of these appointments had been assigned to men who, however worthy, were not moving in what he considered a sufficiently high sphere of life, and the reason of his objection is the not unnatural or improper one that Government had promised to raise these assistants to the highest ranks of the police, in the order in which they might pass their examinations. He complained that in making these appointments, quality had been sacrificed to quantity, and that men had been appointed who had served no apprenticeship, save such as can be acquired on a flat, or a river steamer, or in the offices and shops of Calcutta. He feared, we think, with too much reason,—that the Government that had promised them promotion, would find themselves embarrassed by having to promote a great number of very unfit men, who, nevertheless might, and probably would, pass examinations in the native languages far more rapidly than those more fitted for the appointments. He desired to see the grade filled with young gentlemen in the position and with the pay of ensigns. We admit that as long as the two principles of indiscriminately appointing, and of invariably promoting, are preserved together, there is great force in these objections and proposals. But surely to abolish the whole useful portion of a grade capable of rendering such important and such essential services, was not a proper remedy for the case. Half a loaf is always better than no bread, and if one cannot get the best, it is as well to take the best one can get. We agree with Colonel Bruce so far as to say, that we should like to see only educated gentlemen promoted to the higher grades of the police, because in such an important

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department it must be of the clearest advantage to have the safeguards of gentlehood and education. But if Colonel Bruce means to say that such duties, as we have described for sub-divisional Assistants, can only be properly discharged by gentlemen corresponding to ensigns in the army, we must entirely differ from him. All the essential qualities of honesty, zeal, activity, and industry, can be found in men of a somewhat less position in life, and of a less liberal education: can be found too, with all those qualities of mind and character, that make their possessor respected, whatever may be his sphere in life. Would it not have been a far better plan to have met the difficulty by dividing this class? A sufficient number, to supply vacancies in the higher ranks, might have been retained as Junior District Superintendent, (the nomenclature might present misunderstanding and confusion,) in the position and on the pay suggested by Colonel Bruce, while all the rest might have been retained under their present designation, with promotion to grades of pay, but not to the higher grades of rank. The plan is a simple one. It would have met all Colonel Bruce's objections, and it would at length have given us the great desideratum of a system of thorough supervision thrown broad-cast over the land.

Lying in the midst of all his arguments and objections, we come, in Colonel Bruce's final report, across the following significant admission,—an admission which clearly gives the key to his whole course of action in the matter: 'If we could afford,' he says, 'to give one hundred and fifty really *well-paid* officers, of the proper '*quality*, instead of only one-third of the number, I do not mean 'to deny that the efficiency of the police would be augmented.' After an admission such as this, and after having suggested a simple remedy to meet the only objections that Colonel Bruce really seems to have, we feel that we need occupy but little space in meeting his other arguments upon the matter. He urges that the subdivisional assistants will be very apt to fight with the subdivisional magistrate. We are afraid that there is too much truth in this, but the argument is unfortunately one not confined to these lowest grades, but pervading the whole relations between the police and magistracy. We believe, however, that in the lesser grades it would shew itself if anything less than elsewhere, because the superiors on either side would to a certainty unite to suppress it. Any Magistrate or any Commissioner worth his salt, would never suffer it to assume a hurtful degree. He urges that the assistant's authority would tread so closely on that of his District Superintendent, that it would be productive of disagreement between them, and constant references to higher authority, and to a return, but in a worse form, to that isolation

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of the police, which was so bad under the old system. We are surprised to hear any such confession of weakness and inability to manage their subordinates on the part of the District Superintendents. The scheme of subdivisions is not a new one; it has had its full and fair trial; it is now in force; and it has led neither to disagreements nor isolation in other matters. If an arrangement were made upon precisely the same principles for the police, there can be no reason why such results should take place, unless the District Superintendents are wanting in that power of controlling their subordinates that has always been shown by the Magistrate. We do not believe them to be wanting in any such power, or that the subdivisional system could possibly be evil on the ground that Colonel Bruce has given. If it has been so in a case or two, the proper remedy would be to make severe and unmistakeable examples of those cases. Colonel Bruce's ideas of eradicating a blemish from anything, seems to consist in eradicating the whole thing itself, sound parts, blemish, and all. It is as though a physician were to recommend amputation of the head as a fitting cure for headache.

The last objection urged is, that subdivisional assistants are an unnecessary expense, on the score that any well-paid Inspector can do their work as well, and he calls the assistants 'merely Inspectors hoisted up into positions which they do not understand.' We deny—emphatically deny—that any Inspectors can take up, or, ought to be allowed to try to take up, the duties of Assistant Superintendents. The misdeeds to which native officials are prone, are much too consonant to the native mind, much too little regarded by it in the light of evil, to meet that thorough and decided antagonism which alone can avail against them. Indeed, from natives, who are themselves police officers, it is not rational to expect any antagonism at all. It must be beyond question, that European supervision, even if not absolutely *essential*, as we believe it to be, must be far more excellent and trustworthy than that of native Inspectors, especially those of the present day, who must have far too much sympathy with their successors and former companions, and who only represent the class of men secured by their former pay, and not such as might have been secured by their present. We can only look upon money so spent as to fall short of the object in view, as a waste and not as economy. But as to their being hoisted into a position that they do not understand, this *is* a startling objection. If there be any force in this, it applies to the whole body of the new police, but with least force of all to the subdivisional assistants. With the most valuable exception of Colonel Bruce himself, was there even one of the whole of the new officers

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who had any experience at all in the civil police, or of whom it might not have been said, with at least equal justice, that he was hoisted into a position which he did not understand? And is it not true, that those who come into daily contact with the thannah officials and thannah work, would probably acquire a knowledge of their duties far more perfectly and far more quickly than other grades? This argument of Colonel Bruce's seems to us to be of less than no weight.

Having at length completed our survey of the new system of supervision, we now take up the other essential item of reform, *viz.*, pay. There is certainly little enough to be said upon this point, though that little is sufficiently startling. The simple facts of the case are, that from the introduction of the new system up to the 1st December 1865, the officials at the thannahs, (and it was only there that the reform of pay can be of avail, only there that it can be a reform at all,) have actually been receiving less pay than was given in the days of darogahs; while since the 1st December, they have been receiving as much only, but no more; and this, too, at a time when the general rise in price of all articles had made the pay, in fact, much less than when it was awarded to the old police.

We forbear to comment on or characterize this line of conduct on the part of the Government, for nothing that we could say could be more convincingly, more absolutely, condemning than the simple statement of the fact. It is needless, too, for us to point out how overpoweringly this, when combined with the other causes that we have mentioned, must have increased the policeman's already gigantic temptations to make himself infamous,—more infamous than he was before. Deficient pay has always been the very spring and source of all his corruption. It is now left to supply motive and will, when their dress, their military shew, the awe that these have struck into the natives, and all their former facilities to do ill, have combined to give them greater power than ever to abuse their position for their private gains and ends. We need take up no time in arguing upon the deplorable insufficiency of the pay given to the present thannah officials, with those who argued so strongly on the deplorable insufficiency of the same pay, when given to the former thannah officials. Considering that all sides, including even those who have introduced the present rates, joined in hooting down the notion that the old pay was anything but an excuse for corruption, it is simply astounding to find that the new system commenced by paying the thannahs even less than they received formerly, and that the so-called reform merely ended by bringing back matters to where they were.

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It will be seen that we make no account at all of the grade of Inspectors, as they now exist, and we do so purposely. Taken altogether, it is not a numerous body, and the pay given to them all is not so much of an increase upon the total pay given to the old highest grade of darogahs on Rs. 100, and to the old special darogahs on Rs. 200, who used to work actually in the thannahs. But now-a-days after subtracting those who are Europeans or Court Inspectors, or Inspectors of the reserve, there are hardly as many as two or three Inspectors in a district, who reside at a thannah.

Those who do so reside, never have the charge of only one thannah, but nearly always of all comprised in a subdivision. The exceptions are so few, and of such limited importance, that their existence simply proves the rule, and that rule is that the modern Bengal thannah is left to the charge of only two officers, who draw pay which has only lately been raised to an equality with that of the two higher grades of the former thannah officials. But even if it were the case that every Inspector did engage himself in the work of the thannahs, it would still be true that owing to the slipshod, vacillating manner in which the change has been carried on, there would have been no advantage derived from the increased expenditure in pay as regards the quality of the men. When the new system was introduced, there was a golden opportunity lost of getting rid of the old class of men who used to enter the police, which class had been weighed and found so grievously wanting. It is true that instructions to this effect were issued, and that many (but not nearly many enough) of the old lot of darogahs were dismissed, but to do this was not, and could not be, sufficient in itself. It was necessary not merely to get rid of the men themselves, but also to supply their places from a higher and more respectable class, than had as yet thought it worth while to make the police their profession, but no steps whatever were taken towards this.* On the contrary the same

* Unless, indeed, the appointment of certain Lieutenants of the former Police Battalions may be considered such, we cannot ourselves think so. It would have been a sufficiently fatal bar to their success, that they were foreigners utterly unacquainted with the language and people of Bengal. They might have made very useful men in their own country. We must not be understood to be impugning their respectibility, which we do not doubt when we add, that the greater number of these were uneducated and utterly illiterate. The writer can speak personally of one district, in which the only three available thannahs were deliberately, and after warning, made over to three Police Battalion Lieutenants, who not only did not know a word of Bengallee, but were unable to read or write in any language on the earth. This inexcusable disregard of what is required at the thannahs is of a piece with the rest; the one reason assigned for making the appointments and keeping to them was, that the men had a claim upon Govern-

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old rate of pay was kept up, which every one knew admitted to be insufficient as an inducement to the better order of natives. The consequence was, that even where new men were procured, they came from the same old class that had supplied the former disreputable darogahs, and it was not till Government had thus irrevocably hampered themselves with the very class of which they had striven to free themselves, that a rate of pay was at length allowed, which would have at once procured them, not only new men, but men of a higher and respectable class, whose characters would have been of value to them. Lastly, to make the error thorough, to prevent the advantage of this pay extending itself to the thannahs, even after the lapse of the present incumbents, the proceeding was appropriately capped by moving the recipients of the new pay away from the thannahs. We think it would be very difficult, indeed, to find a parallel to such mismanagement as this.

What we have said of the Inspectors and their pay applies also to the head constables. These men are in no way better than ordinary rank and file, and have done nothing to render themselves worthy of the post they occupy. When the force was enrolled, it was necessary to appoint a certain number of head constables, and as nothing was then known of the new men, the selections were necessarily made, if not actually at random, and all events on the very slightest of recommendations. For the duties they were at first required to perform, this did not so much matter; they were to receive pay but little in advance of that of the constables, and they were expected to act as a sort of serjeants towards the rank and file, and to fill the very subordinate position vacated by the thannah jemadars. The selections were in accordance with these simple requisites, and the men were fit for nothing more. But now in strict consistency with that strange spirit that seems to animate the rulers of the police, and which induces them to act as if the merely calling a man an officer was in itself sufficient to make him fit for the office, these same men selected for very humble duties, and never

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ment. We would ask, had the unfortunate inhabitants of those three thannahs no claim upon Government as well? Were they to be sacrified in crowds, in order that the Government might cheaply show its recognition of a few individuals of the Police Battallion? Is there not something in this to remind one of that Mahometan system of military rewards, at which Europeans hold up their hands in horror? It is obvious that no one has a right to show gratitude to one man, at the expense of justice to another; and the case becomes clearer still, when the injustice is inflicted upon large numbers. Robbing Peter to pay Paul is not generally considered exemplary, but in instances such as this, Paul is paid by the robbery of the whole twelve Apostles.

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having exhibited any qualifications for higher ones, are suddenly thrust into very important post of second officers in charge of a thannah, and are expected to supply fully the post of its chief, on the numerous occasions when he is elsewhere engaged on service. Elected as they were, they are *of course* totally unfit for so vitally important a post, but the pay which is now thrown away upon them, and of which they are altogether unworthy, might easily have procured men who are superior to them, at least in the same ratio that the old thaunah mohurrir was superior to the thannah jemadar.

We cannot agree that even the constables are in an improved position with regard to the old burkandazes. On paper, they receive more, but after they have been cut for their clothes and pension fund, we doubt much whether with the present high price of all necessaries, the balance of their pay goes further than the burkandazes carried theirs, if so far. We most cordially admit, however, that under the present system of enrolment, the rank and file of the police is incomparably better held in hand by their European superiors than ever was the case formerly.

In concluding our survey of the supervision and pay, we have done with the pith and marrow of our subject, and we can afford to pass over in silence many minor points. We will not comment, therefore, upon matters of no more importance than the strange nomenclature, which has been introduced to the bewilderment of the Bengalees, except to say, that as there seems to have been no earthly necessity for it, we suppose it was done for the fun of the thing. We can imagine a tender 'griff' being taken out by his friends to shoot 'Niskpokters' and 'Konnish Topples'—'fierce beasts with beautiful coats, and very plentiful 'in the district, where they roam about mauling the defenceless 'villagers, and committing sad havoc on their little crops.' Such a thing would have much of the advantages of instruction by allegory.

There is, however, one matter to which we have before alluded, and which we wish to speak of now more fully. We think that the more than semi-military training and dress of the police is a mistake of no small importance. We think it a very unfortunate thing that Lord Canning's instructions on the matter of dress, delivered to the Police Commissioner, have been departed from, for the subject is far from being as trivial as at first sight it looks to be. He desired that the clothing, though uniform, should be of ordinary material, and as much like the ordinary civil dress of the country, as possible. Had this been adhered to, the police would have numbered among their body many of the

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more intelligent and educated natives who have avoided it, because they have a natural objection to be well slanged by a rough drill serjeant, and to making themselves laughing stocks by appearing in garments of that European cut, which usually sits so badly upon a native. But this is the very least of the evils. The drill is absolutely necessary for police, who may have to act against large bodies of rioters, and the discipline which results from drill, is not only most desirable, but is, perhaps, unattainable by any other means. But it cannot be contended that a *civil* police should constantly go about armed and clothed in military fashion, and that a constable should rarely be seen on duty without his bayonet and loaded musket.* Let the discipline and the skilled use of weapons be there, but let them not appear till they are wanted. It is on this system that the London police is conducted, and we think the police of London a far more wholesome example to follow than the *Gendarmerie* of Paris. It is not consonant with the principles of free government to be constantly holding over the people a military force, or even the show thereof, and the effect in Bengal is peculiarly unhappy.

The Bengalees look upon the English as foreign conquerors who hold the country by the sword. They are timid and ignorant beyond all nations of the earth, and they are as impressible as children. They look upon an armed man in authority, even if he is only their Zemindar's *latteal*, as a dangerous and dreadful being, who is irresistible, and whom it is wise not to attempt to resist. When they see a body of man armed and uniformed and in the pay of Government, nothing will convince them that they are not sepoys, and they would as soon thwart a sepoy in his lightest wish, as a negro slave would spit in his owner's face. Thus do they consider the military looking constable; but armed as he is, with his police authority into the bargain, he becomes a grander and more terrible creature; he is not merely a sepoy, but is invariably addressed as 'Sepoy Sahib.'

Now, when a native regiment on the march passed through a native bazaar, the sepoy had generally a fine time of it. He strolled about with an air of superiority, affably picking up a small *buckshish* at one booth, and naming his own price for what he wanted at another, till he was satisfied, while the bazaar men treated him with great deference and respect, always acquiescing in his bargains. But still the sepoy's stay was short, and he laboured under the disadvantage of a discipline that was *not*

* Perhaps, this will be stopped after some stringent Superintendent Sahib has been shot by some offended 'Sepoy Sahib' on duty.

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merely semi-military, and under the close presence of his officer. The 'Sepoy Sahib,' however, does not feel any of these disadvantages, and he is always at the place, and, moreover, always there in a position of authority. The men are not long in seeing their advantage, and a constable in the neighbourhood of a bazaar is simply a pest to the small traders. This evil is one that is two edged and acts both ways. Its effects on the people are most lamentable. The proper relation between the public and the police does not exist. Instead of regarding the police as public servants, whose services they can command as a right to the utmost extent, the public (that is, the large majority thereof, as represented by the mofussil residents) look upon the police much as the inhabitants of a conquered city look upon a well-disciplined army that has subjugated them. They feel nothing of the independence of a state of freedom. They have no idea of insisting that the police shall be what they pay them to be. They do not go to them as servants who must act for them to the best of their powers, or be brought to punishment, but they regard the police ever as their masters. They request their services as a favor; they look upon their moderation and respect for civil order as most exceptional matters, liable to be broken through on a small provocation, and well-purchased at the expense of slight injuries and annoyances, which they, therefore, willingly acquiesce in. This evil extends far beyond a consideration of the mere wrongs to individuals, for where so servile a spirit pervades the masses of the community, it is a fearful and dangerous source of weakness to the State.

To the policeman the results are more directly harmful. The peccadilloes (if they may be so called), that he first indulges in, are amply sufficient impetus to start him in the downward course, on which, when he has once entered, he goes rolling onward faster and faster, till he reaches the lowest depth. His sense of uprightness once blunted on small matters, the rest will soon follow; and crimes which are already most easy to this position, will soon become most easy to his conscience too. It is no excuse to urge that the relations, that we have described as existing between the police and the public, will exist under any circumstances. We believe this to be true, yet it is no reason for making the circumstances as bad as possible, but the contrary. The military show of the present force can only have the effect of confirming and increasing the natural servility of the people towards public servants, in a manner which the very existence of that servility renders inexcusable. If the constables were deprived of the fictitious blaze of military splendour, with which, in the eyes of the populace, they are now invested, and performed their civil duties

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in an ordinary civil garb, they would themselves be far less exposed to temptation, and the people be far less willing to acquiesce in their misconduct.

The project of schools for recruits has fallen through, simply because recruits will not come forward. So little eligible has the police of Bengal been made, that instead of having spare recruits anxiously waiting for vacancies, it would have been impossible to fill the ranks at all, if the Government in their despair had not allowed no less a proportion than 32 per cent. of foreigners to be enrolled. In some places, a pretence is kept up of teaching a few grizzly-bearded up-country men in the Reserve, the language of Bengal, but, in most places, even this futile pretence has been abandoned. As to the character of constables, the less said the better. It is unfortunate, but true, that no small proportion have previously had police experience from a point of view very different to their present one, and that they have been already made acquainted with discipline, as it obtains in jails. In short, the intentions of enrolling none but men of respectability, and of educating a body of recruits, have been transported to a hotter climate than Bengal, where they now appear in the form of two very large paving stones.

We have far exceeded our intended limits, and must now hasten to an end. So atrociously bad was the old police, that to make a marked and startling improvement on it, was a matter very easy of accomplishment; an unquestionable improvement might have been made even by a new system in itself very different. Accordingly, we have often heard great astonishment expressed, that a system, thought out by men of such undoubted ability as Colonel Bruce and his fellow colleagues, should have resulted in no improvement at all.

Though we feel a deep and sincere disappointment in the matter, we do not share in the astonishment; for the reason of the failure seems to us sufficiently clear. The new system has failed for the same reason that every other attempt at police reform has failed, because it has not gone to the root of the matter, because changes have been made in the wrong place, because it has not acted upon the obvious, the demonstrated fact, that reform to be effectual, must be directed to the thannahs. It is there that the police acquires its character. It is there only that the people know them, there that all the power for good or evil lies, there that all the mischief has been done, there alone, in short, that the police really exists. Reform there is reform everywhere, but reform elsewhere is no reform at all. For a few months, at starting, there was promise that at last thannahs would be attacked, but now every vestige of such promise has been swept

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away. Valuable money was thrown away upon an Inspector General and his Deputies. The close immediate supervision by Europeans, acting within areas wherein their supervision could be real and effectual, was deliberately abandoned. The police of a whole Zillah were again, as in former days, placed under the charge of but one officer and his assistant, residing at the sudder station; and this officer, unlike his predecessor, was deprived of the aid of the subdivisional officers. Good pay was not offered, till it was too late to provide good men. The recipients of the new pay were then at once withdrawn from the thannahs, and men who had been selected anyhow, merely as semi-military corporals of a semi-military force, were suddenly thrust into the responsible post of second officer in them. In fact, all the extra money allowed for the new police, and all that was saved by the abandonment of a system of real supervision, was lavished upon men who were of no use at all, and upon all the higher ranks, till the thannahs were left just as they had been before. Nay, the highest executive, and the highest judicial, authorities combined to restrict the already limited application of that which had been announced as the guiding principle of the new system, which was to protect an accused man from his prosecutor becoming his Judge. A reform thus conducted, seems to us to be at once expensive and ineffectual, extravagant and stingy, pretentious and slovenly.

The old thannahs were bad altogether, because the men were bad, their pay was bad, their temptations vast, and the supervision over them so limited as to be insignificant. And what is the difference between the old thannahs and the new? In the new we have two officers only against three in the old. The second officer in the new is far inferior to the second officer in the old. The pay is as it was before. The class of men who accept this pay is as before, (because a better one could not be obtained for the money), and the temptations are at least as great as ever they were. As to the supervision, it is as before confined to one European officer and an assistant to a whole Zillah, and these are engaged to no small extent in office work. We assert without fear of contradiction that no man can possibly bring a close and effectual supervision,—a supervision worthy of the name,—to bear upon such areas as are comprised in the Bengal Zillahs. All this being the case, we repeat the assertion made at the commencement of our paper, that the police have drifted back into the old difficulties and dangers that formerly and all along have beset it, that it is being wrecked on the very rocks that sunk the old police, and which were fairly charted down to be avoided, and that the new police is, as regards the old one, merely a distinction without a

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difference. With still the same class of men, (and often the very same men) at the thannahs, with still the same pay, and with still but one man to supervise, what ground in reason could there have been to hope for an improvement? It was as obvious that none could take place, as that none has taken place. We should be glad to believe that there has been no change at all, but when we consider that the pay now-a-days goes a far shorter way than it did formerly, that the people are more in fear and awe of the new men, and that these men have thereby obtained more power than ever, it will be very difficult to convince us that there has not been a change for the worse.

But let it be admitted that things are not worse than, but only as bad as, they were before. They are then far worse than is needful to justify our argument. The former state of things having been admitted to be atrocious by all who were concerned in the matter, we need not descant upon their present state. It has been pain and grief to us to see the new system, from which we had hoped so much, thus fall back upon the miserable plan of the old one. But it cannot last for ever. If we read aright the signs of the times, the days are coming when the cry of Bengal will fall upon the ears of men who will not be deaf to such appeals, of men able and eager to stand between the people and the plague, and to stay the plague for ever. Supposing that such a Committee were to be appointed to-morrow for Bengal, as was appointed formerly for the torture cases in Madras, is there any one now engaged in carrying on the government of the country who would not dread a fearful exposure? Is there a single Bengal official of half a dozen years' standing, that would not feel in his heart that Bengal would reverberate with much the same sort of crash as has been heard ere this in Madras? Sooner or later such a Committee *will* sit, and the sooner the better, say we.

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ART. V.—1. *The Land-tenures of Upper India.*

2. *The Periodical Press of the day.*

AMONGST the numerous changes that have taken place in public opinion on different Indian subjects within the last century, there is, perhaps, none more decided than those that have arisen in regard to the theories of land-tenure.

Many a good man and true lent his willing aid in bringing out and improving those numerous and excellent regulations, which have in many instances remained, to this day, the unaltered law of the land. Originally designed for the limited tract of country which we now know as Bengal Proper, to which they were, no doubt, admirably adapted, their scope was subsequently extended to the more recently acquired territories, which we now style the North-West Provinces, without, perhaps, that careful enquiry into the fitness of things, which alone would justify the substitution of even the best considered laws, for customs that had existed for ages.

In making this assertion we write advisedly. The process of investigations into the status of landed property known alike as a settlement, a regular settlement, and a revised settlement, was only undertaken by us in Upper India under the operation of Regulations VII. of 1822, and IX. of 1833. The adjustment of the Government demand had already been effected under Regulation XXV. of 1803 on several different occasions, and settlement had been ordered to be made under that law, with the parties in *actual proprietary possession* of their estates, whether they might be called Zamindars, intermediate Talookdars, or be known by any other name; and to the entire exclusion of those who were the mere intermediate channel of receiving the dues of Government. Section 34 of the Regulation just quoted, does indeed briefly set forth that 'the Governor-General in Council further declares the proprietary rights of all Zamindars, Talookdars, and other descriptions of landholders, possessing a right of property in the land comprising their zamindaries, talooks, or other tenures, to be confirmed and established, under the authority of the British Government, in conformity with the laws and usages of the country;' while another Section gave the right to alienate and transfer property. But with these exceptions the whole tenor of the Regulation goes to show that it is treating of leases only, for

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it distinctly contemplates the contingency of other parties with, perhaps, better rights, coming forward to claim them at a future settlement. This view is confirmed by the preamble of Regulation VII. of 1822, which, in referring to the revenue arrangements in force when that Regulation was promulgated, calls them 'the existing leases;' while it provides for the 'ascertaining, settling, 'and recording the rights, interests, privileges, and properties, of 'all persons and classes owning, occupying, managing, or cultiv.. 'ting the land.'

It is obvious to remark that if *proprietary right* had been conferred in 1803, these tenures would not have been called *leases* in 1822, nor would they have required *settling* then, nor would there have been any reason to apprehend claimants with *better titles* coming forward at a subsequent settlement. It, therefore, appears reasonable to suppose that all that the Regulations of 1803 did, was to intimate the intention of Government thenceforth to admit and recognize proprietary right in land, whenever that should be judicially determined, such right according to Indian theory having been, up to that time, vested in Government.

It is none the less obvious that the instructions then issued by the Government of even that day, contemplated the maintenance of *Talookdars* in those villages at least, of which they were in *bonâ fide proprietary possession.**

We should like to know how these instructions were carried out prior to 1822, and what amount of enquiry was made to discriminate between (1) the villages in which the Talookdar was a mere revenue collector; (2) those in which he obtained a certain beneficiary interest; and (3) those in which he was absolute proprietor. We have little doubt that, whether sound discrimination was exercised or not, the Talookdars had been deprived of much of their property in a very summary fashion, before the issue of the regulation in question,† and long before the regular settlement was even commenced.

It will thus be seen that more than a quarter of a century had passed and gone, before the Government officers of that period were required to satisfy themselves in regard to the then existing land-tenures; and during this long period what

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* *Note.* We would here remark that in the regulations framed at the beginning of the century, the nomenclature of Bengal in regard to tenures was adopted by our lawgivers, the larger proprietors being called Zamindars, the smaller Talookdars. But in treating of Upper India, the terms should always be inverted.

† VII. of 1822.

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changes must, in the ordinary course of things, have taken place?

All the accidents to which property is still prone were even then in full force; extravagance, minute subdivision, dissensions, and the thousand and one other causes, which lead to the frequent mutation of possession, were as rife then as now. The sharp-witted court Harpy and the usurious city Shylock were as ready then to re-place those who had long held possession, as they are now; and it was only after a long term of years, during which such influences as these had been in full and unchecked force, that the settlement officers of the last generation, with neither experience, nor circulars, nor directions, to guide them, were set to discover and to stereotype what they considered to be the prevailing tenures in land.

Able and good were most of the men then chosen to be the pioneers of our subsequent settlement system. But, alas! they were not long left to follow their own bent in regard to recording things as they found them. Well would it have been for many a landed proprietor, who has since been driven by our revenue system from his paternal acres, had many of our first settlement officers been left to follow what seemed good in their own eyes. Many of these would then assuredly have recorded things as they *did* find them, and not things as they thought they *should be*. But this could not be: centralization is a principal feature of our system; dearly do we love, and often pay for, uniformity; and it is not always the case that the central authority is a single individual;—it may be represented by a body of two or more men. So it was in this case. The consequence was a disunited, incongruous Board. Then raged in all their bitterness the wars of the Birds, and the Thomasons, and the Boultersons,—giants one and all in the science of revenue administration,—of whom we may ever well be proud; but even these, with the rest of the human race, were subject to error, and that they did make mistakes vast and frequent, no one will venture to deny. Then it was that the question of large or small proprietors, Talookas or non-Talookas, was vehemently discussed, and then it was that the landed gentry were finally and irrevocably, as far as the older provinces are concerned, re-placed by the, at that time, popular village system.

Every officer of that day from force of circumstances soon became a partisan, and it is to be feared, as is in fact but too often the case on such occasions, that after the first stone was thrown, the rights of parties were allowed to suffer in the general confusion and bitterness that were the result of the conflict; and thus it often came to pass that things that *ought*

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to be, were more frequently entered in the records of that period, to the exclusion of things that *were*.

The party that had 'village communities' for their war cry were in numbers, influeuce, and ability, alike superior to those who advocated the policy 'of a landed aristocracy,' and the former being in power, of course made the most of their vantage ground by nominating to the department, which had the whole matter in its own hands, disciples of their own school. Young men were mostly chosen who were not troubled with pre-conceived ideas, who had clear intellects and pliant minds, and whose promotion, they were led to understand, would be rapid or otherwise, in proportion as their proceedings were appreciated or the reverse. Two collectorships within the knowledge of the writer were obtained at an unusually early period of service, avowedly as the reward of settlements rapidly made. In the one case the name of the officer is to this day a household word in his old district, and this, though his own proclivities were rather in the direction 'of bolstering up decaying houses,' as the attempt to uphold large properties, was then called. In the other case the settlement was an unfortunate one from the first, and it has been a source of trouble and anxiety to the authorities ever since; the reward, however, was duly achieved.

With such facts as these within our knowledge it may, we think, be fairly assumed that the land tenures of the North-West Provinces had scarcely fair play. They were investigated after they had been lying dormant for more than a quarter of a century, and the enquiry, when it was eventually undertaken, was not approached in that calm, impartial, and deliberate spirit, which should guide all judicial officers in the investigation of the most difficult class of civil suits, which it may ever be their lot to try.

Moreover, there is a very large class of cases which, we are afraid to say, were not investigated at all, and in which minor rights, adverse to the interests of the village proprietor, were either assumed to exist, and were, therefore, stereotyped for ever; or they were openly created, and at once permanently recorded.

Two fine opportunities have been offered us in later days of thoroughly testing and, if necessary, correcting our past proceedings in the matter of land-tenures. The first of these was in the Punjab, the next in Oude. In the case of the former province, although liberal views and enlightened reforms in regard to jageers and other tenures were the special hobby of its Board's first President, the lamented Sir Henry Lawrence, 'who 'to the last tried to do his duty,' but little was achieved in that direction. India was not yet ripe for the changes in opinion

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that have since taken place in respect to tenures. The old groove could not as yet be abandoned, and a certain proportion of the tools that settled the North-West Provinces having been introduced into the newly acquired territory, all interests in land were disposed of in accordance with the experiences and views that had up to that time remained predominant.

But in Oude we had a still better opportunity of mending our ways. Tenures in the Punjab may have been different to those in the North-West; perhaps, talookas were unknown there, though the large jageers must be akin to them; but inasmuch as the North-West Provinces and Oude were originally one and the same principality until we separated them, it cannot be denied that the tenures in both, as long as the native rule continued, must have been the same also, and that any subsequent changes that may have taken place, must have been of our ordering.

We have already shown in detail what our procedure was when we took possession of the ceded provinces. When we occupied Oude after the rebellion, we confiscated all rights save those belonging to half a dozen loyal subjects, but in the end we restored to all, with but few exceptions of obdurate rebels who rejected the Queen's amnesty, the rights which had existed within a certain term previous to annexation. We furthermore ordered the maintenance of the *status quo* of possession, until rights could be investigated at a regular settlement. We thenceforth inaugurated an entirely different policy. The village system had already been tried at annexation with marked disfavor, and there is no doubt that the sentiments of Lord Canning, as quoted below, were also those of the public of that day:—

'Recent events have very much shaken the Governor 'General's faith in the stability of the village system, even in 'our older provinces: and his Lordship is, therefore, all the more 'disposed to abandon it in a province to which it was unknown 'before our rule was introduced in 1856. The Governor General 'is well aware, that in some of the districts of the North-'Western Provinces, the holders of villages belonging to 'Talookdars, which had been broken up at the settlement, 'acknowledged the suzeranity of the Talookdars as soon as our 'authority was subverted. They acted, in fact, as though they 'regarded the arrangement made at the settlement as valid, 'and to be maintained, just as long as British rule lasted, and 'no longer; and as though they wished the Talookdar to re-assert 'his former rights, and resume his ancient position over them at 'the first opportunity. Their conduct amounts almost to an 'admission that their own rights, whatever these may be, are

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'subordinate to those of the Talookdars; that they do not value 'the recognition of those rights by the ruling authority; and 'that the talookdarie system is the ancient indigenous and 'cherished system of the country. If such be the case in our 'older provinces, where our system of Government has been 'established for more than half a century, during twenty years 'of which we have done our best to uphold the interest of the 'village occupant against the interest and influence of the 'Talookdar, much more will the same feeling prevail in the 'province of Oude, where village occupancy, independent and 'free from subordination to the Talookdars, has been unknown. 'Our endeavour to better, as we thought, the village occupants 'in Oude, has not been appreciated by them. It may be true 'that these men had not influence and weight enough to aid 'us in restoring order, but they had *numbers*, and it can hardly 'be doubted that, if they had valued their restored rights, they 'would have shown some signs of a willingness to support the 'Government which revived those rights. But they have done 'nothing of the kind. The Governor General is, therefore, of 'opinion that these village occupants, as such, deserve little con-'sideration from us.

'On these grounds, as well as because the Talookdars, if they 'will, can materially assist in the re-establishment of our autho-'rity and the restoration of tranquillity, the Governor General 'has determined that a talookdarie settlement shall be made. 'His Lordship desires that it may be so framed as to secure the 'village occupants from extortion; that the Talookdars should, 'on no account, be invested with any police authority; that the 'tenures should be declared to be contingent on a certain specified 'service to be rendered; and that the assessment should be so 'moderate as to leave an ample margin for all expenses inciden-'tal to the performance of such service. The Talookdars may 'then be legitimately expected to aid the authorities of Govern-'ment by their personal influence, and their own active co-opera-'tion; and they may be required under penalties to undertake 'all the duties and responsibilities, which by the regulations of 'the Government properly appertain to landholders. These 'duties and responsibilities should be rigidly exacted and 'enforced. With the declaration of these general principles the 'Governor General leaves the elaboration of the details to your 'judgment.'*

Thus wrote Her Majesty's first Viceroy. Let us place, beside these golden words, the opinion of the then Chief Commissioner,

* Paras. 34 and 35, No. 3502, dated 6th October 1858, by Secretary to Government of India, Foreign Department.

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Sir Robert Montgomery, the connexion and coadjutor of Mr. Thomason in the Azimgurh settlement, the honored Lieutenant of our present Viceroy, and tutored by him, in the Punjab.

'The events of the rebellion had tended to shew that the 'entire release from a condition of subordination to the Talook-'dar, was not universally desired by village proprietors. In 'Oude, where the release was most recent, and where it might 'be presumed that the vivid recollection of the thraldom to a 'landlord, would render the holders of villages all the more averse 'to subject themselves again to the evils they had just escaped, 'the Talookdars were allowed to re-assert their former rights, 'and resume their ancient position without the slightest opposi-'tion. This voluntary return to the *status quo ante* showed 'clearly what the feeling of the people was.'

Being thus condemned, we may say, by unanimous consent, the edict went forth that the talookdarie was in future to take the place of the village system, and the status of the year 1855 was to be reverted to. So far was well. In the next step that was taken many persons can trace a blunder, to which may be attributed a good deal of the trouble and difference of opinion, that has arisen out of our Oude policy. It consisted in the adoption of a form of *sunnud* which had been prepared, by which the proprietary right was granted in each talooka, which was said to consist of, in the words of the document itself, 'the villages, as per list attached to the *kubooleut* you have executed.' Power was unfortunately not reserved to ourselves to correct errors of omission and commission, which might subsequently be brought to light. The lists indicated, were prepared by the native Per-gunnah officers at a time when we were only just recovering from a rebellion, and when a judicial enquiry could not be made, nor, indeed, was such aimed at: at a time, in fact, when we were suing the Talookdars to surrender and accept their estates, and when they were very far from supplicating to recover them! In the great desire to establish peace, and to get their districts reduced to order, the British officers completed their summary settlements on the basis of 1855, as ascertained from the canoongos. Then it was that Sir Robert Montgomery issued his well-known instructions conferring proprietary title for ever, 'whether right or wrong, certain principles have been laid down 'by the Supreme Government, and they are to be acted upon, 'and landholders are to be encouraged to feel that what they 'receive now they will retain for ever.'

This was followed up by the order of the 10th of October, 1859, and by the *sunnuds*, stereotyping Sir Robert's arrange-ments, as far as the Talookdars were concerned, his orders

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having, in the meantime, been modified by Lord Canning in regard to villages not in talookas.

Would that the *sunnuds* had but contained a clause reserving power to amend palpable errors on full judicial enquiry. The omission of such a clause has been the chief difficulty with which the local administration has had to contend, the parent difficulty, we may say, of minor ones that have sprung out of it. In a few instances the proprietary title in (1) villages which had never been in the talooka at all in 1855 or in any other year, but which had crept into the lists by mere official carelessness; in (2) villages which had been mortgaged on the faith that they could be redeemed at the pleasure of the mortgagor; and in (3) villages held simply in trust during the convenience of the depositer were alike conveyed to the different Talookdars in virtue of these lists.

To take villages, such as those of classes one and two above, out of the *sunnuds*, has been the aim and object of one class of good and well-intentioned men. To maintain the *sunnuds* in their integrity, rather than do anything which might seem to have the smallest approach to an infringement of promises so solemnly made, has been the desire and difficulty of another class of just as good and well-intentioned men, and it is only by the tact and personal influence of Mr. Wingfield, and the good sense and feeling evinced by the Talookdars themselves, which has earned for them the warm acknowledgments of the Government of India, that this difficult question has at last been satisfactorily solved. It was out of the discussions arising out of this subject, that such minor collateral points 'as tenant-occupancy' have sprung.

The mistake of an hour of hurry and confusion which followed closely upon the steps of a rebellion must not, however, for one moment, be allowed to blind us to the many and vast advantages we have gained in the comprehensive lessons and experience, which the successful administration of Oude has since undoubtedly taught us. Many reforms have been most judiciously introduced during the tenure of office of the intellectual and accomplished statesman, who is now about to relinquish for ever the reins of his well-sustained Government, a gentleman who will always be favorably remembered for the conscientious and steadfast attitude which he preserved against the adoption of rights, which, it was thought by his opponents, *ought to be*, and for the noble stand he made, to have all rights, or no rights left, *as they were*.

It was a minor and most excusable mistake of the local administration to endeavour, before the operations of the

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settlement had furnished the materials to point out and strive to define by circular the different descriptions of right, that the officers, whose business it was to discover them, might be expected to find. But no permanent harm has resulted from this error, because, in practice, it has been left to the judicial discrimination of the officers in question, to decree things as they find them, always keeping *bonâ fide* and well ascertained *custom*, which is, after all, the Settlement Officer's guiding star, steadily in view.

The settlement proceedings in Oude have produced a very great change, as compared with the former system of the North-West Provinces, in, *first*, procedure; and *secondly*, results; and well may the departing Chief Commissioner be proud of the great work he has achieved in these respects. In the North-West Provinces, under the former school, the investigations into tenures, where made at all, were made in the vernacular language, and frequently through the agency of native ministerial officers. We use the words, *where made at all*, advisedly; because it may not be generally known, and it will not be readily credited, that the large class of occupancy tenures, which exercise so important an influence in the agricultural prosperity of the country, were literally taken for granted in nearly all the districts of the Noth-West, without the smallest attempt to discriminate between the man who had, and the man who had not, a vested interest in his field, without any judicial enquiry whatever as to the origin of his possession, or the amount that he paid, or the length of period that he had held. It was enough, that when the settlement was completed, he was in occupation of a certain field at a stated rent. Then went forth the settlement edict that, for 30 years at least, the man so recorded, could not be ousted, neither could his rent for that time be raised.

A heterogeneous mass of men, with and without rights, were, under this indiscriminating system, thus at one fell swoop recorded to be alike entitled to hold on 30 years' leases at rents which could not be altered, except by a regular civil suit;* and ere their leases had merely run their course, Section 6, Act X. of 1859, became the law of the Empire, and converted one and all of these men into sub-proprietors of land that belonged to others.

But thanks to Mr. Wingfield, there is nothing of this sort in Oude. Every proprietary and sub-proprietary title is investigated by a European officer, and the record is made in his own

* *Note.* The law which produced this result was Sec. 9. Reg. VII. of 1822, and the printed circulars of the Board of Revenue, repeated in the directions to Settlement Officers, and not repealed till 1856.

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hand and language, and no room whatever remains for any left-handed procedure, such as that which we have described. All settlement-suits in Oude must resolve themselves into claims to, *first* the proprietary, or *secondly*, the sub-proprietary, title in land.

Class I. Proprietary title may be acquired by (1) forest-clearing grant; (2) mortgage or purchase; (3) gift; (4) usurpation or conquest; and (5) hereditary descent, the original occupant being lost in obscurity.

Class II. Sub-proprietary title may devolve by virtue of former ownership, supported by fairly continuous subordinate possession; or it may be acquired by (1) purchase; (2) mortgage; (3) assignment; (4) gift; and (5) by lapse of rent-free holding.

All Talookdars and Zamindars, who pay their revenue to the officers of Government, either themselves or through their representatives, are *proprietors*, and belong to Class I. The Class speaks for itself, and we may dismiss it without further remark, confining our observations to sub-proprietors. All persons having a hereditary and transferable right in the soil, who pay their revenue to the first Class, and not to Government, are *sub-proprietors* according to Oude nomenclature and procedure, and belong to Class II. Amongst the latter, are—

Firstly, those who deposited their villages or estates on a system of trust, and who retained management and control till annexation; and also those whose villages were usurped, but who, through influence, policy, or favor, were permitted to remain in administrative possession, till the same period, and,—

Secondly, there are those who held under (1), *purchase*, and who are commonly known as Birtdars, Shunkulupdars, holders of gardens near towns, of compounds in certain civil stations, and such like. Under (2) *mortgage*, come the Bisweedars, Rehundars, and others who lent money on the security of specific lands, which lands by effluxion of time have become theirs. Under (3), *assignment*, are those who hold specific lands called Seer, Deedaries &c. &c., which they received for their support when they lost their property as former Zamindars, and which they have since retained rent-free, or at favored rates. We next have (4) gift-lands, (known in some places as Jeewun Birt,) conferred in some instances on the cadets of influential houses for their support by the proprietor of the day. And *lastly*, there are (5), the owners of specific lands that were formerly rent-free (*maafee*), but have been resumed and assessed by order of Government; the *ex-maafeedar*, for convenience of revenue administration, thenceforth paying his quota through the proprietor of the village in which the land is situated.

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We have not mentioned these oriental terms with any desire to puzzle the general reader, far from it. We have done so to show that vested interests have been faithfully conserved in Oude, and we shall now show that, in this respect, the authorities there have not been one whit behind their brethren of former times in the older provinces.

The five classes just enumerated, it has already been explained, have in Oude been treated as sub-proprietors, as of course have those who placed their villages in trust, and those whose possession withstood the vicissitudes of the pre-annexation period. Their hereditary right to hold their land at such rate as they may have enjoyed within limitations, and to transfer it, has been judicially decreed to them by a British officer. In the North-West Provinces, these people were treated as non-proprietary cultivators only, some of them (Nos. 1,2, and 5) having hereditary and transferable rights there; and others (No 3) having a right of occupancy at a fixed rate for a given term, or for one or more lives. But under what precise process such rights were secured, it is not very easy now to ascertain; for, the printed Settlement Reports, the circulars of the Board of Revenue, and the directions to settlement officers, treat the matter with reserve, and all that we really know is, that such rights did not form the subject of judicial decree, for the settlement proceedings show that as a matter of fact, the occupancy and rents of these, and all other non-proprietary cultivators, (called non-proprietary by Mr. Thomason, because they were not in direct revenue engagement with Government), were alike considered fixed and determined, not by the judicial decree, be it remembered, of a British Officer, but by the simple extra-judicial process of publishing the rent-roll in the village for a period of ten days, when the settlement was complete, after which the position of *every cultivator* entered in that rent-roll (and none were allowed to be excluded), was to all intents and purposes that of a lease-holder for 30 years at a fixed rent.

We trust we have shown how much more secure and commendable is the Oude, than the North-West, system, in regard to these classes of tenure.

There is one description of the sub-tenures that has been incidentally named above, which requires something more than a mere passing notice. We allude to the different descriptions of *Birt*, which are found to prevail along the line of Sub-Himalyan districts.

These *Birt* tenures, we are well aware, were the subject of hot discussion when the settlements, under IX. of 1833, were

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being conducted, but we do not know that any records now exist to which reference could be made bearing on these discussions.

These tenures, under the native rule, were invariably *subordinate*, that is, the holders, as expressed by Mr. Thomason, were 'non-proprietary, from not being in direct engagement with the Government.' There were various phases of the tenure, but without exception, such rights had their origin in the owner of the land. The two most marked kinds were the *purchased Birt*, and the *conferred Birt*. The *first* conveyed a sub-title for ever, and the right has, therefore, been acknowledged, and judicially decreed by the Oude Settlement Courts. The *last* was eleemosynary, and, according to general usage, pending the donor's pleasure only, and is, therefore, not cognizable by the Courts in question.

The incidence of the recognized *Birt* sub-tenure varies in almost every estate, but the most common feature is, that a landlord, being in want of money, or wishing to have waste land brought under cultivation, assigns a certain portion of land to a Brahmin or other individual, on the latter advancing him a sum of money. An annual rent in perpetuity, perhaps a low one, is generally fixed at the time,—or it is arranged that a part of the land shall for ever remain rent-free, and the rest of it shall be subject to future enhancement at the will of the donor—but, whatever the special conditions may be, the essence of the whole transaction is, that a sub-proprietary and not a proprietary title is conveyed, and that, according to immemorial usage, the *Birt* tenure remained in the parent estate as before. We are not quite clear how far the *perpetuity* clause, in such agreements as these, was respected under the native rule, or whether the sub-tenure continued to exist at all after the giver, his sons, and, perhaps, his grandsons, had died out; we rather think the tenure vanished then too; but of one thing we are, on the whole, well satisfied, and, that is, that nothing beyond a *sub-tenure* was ever conveyed under a *Birt* deed.

But what was the procedure of the North-West settlement in this class of cases? It was neither more nor less than to deprive the owner of his proprietary title; to transfer that title to the Birt-holder, making the settlement with the latter, subject to a money charge of 20 per cent. in excess of the Government demand, which sum, after realization in the usual way, the Government handed over to the unfortunate ousted proprietor from its own treasury, under the sympathetic name of compensation!

Supposing it to be admitted that it was a mistake of the administration, in its great respect for the late Viceroy's promises,

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to wish, at all hazards, to maintain the Talookdars' *sunnuds* in their integrity, how trivial, after all, is that mistake compared to the one which we have just described, by which a man's property was taken from him and distributed amongst the creatures of his own creation, he himself being reduced to the position of a pensioned pauper!

In the Oude case, under the procedure adopted, the transformation is one in designation only; for the Talookdar will be upheld in the possession of the superior rights and interests he has hitherto enjoyed, whilst the sub-proprietor's tenure will with equal care be protected, and he will be maintained by us in the unfettered control of his land, provided that he pays the Talookdar the rent which is determined by the settlement officer. This rent will be the same as that previously paid under the native rule, except where such previous rent falls short of the revised Government demand; in which case it will be raised to the amount of the Government demand plus 5 per cent. This per centage to the Talookdar is the sterile and only remuneration allowed to him in such cases, for fulfilling the, by no means, sinecure office of *buffer* between the sub-proprietor and the native officers of Government, whereby the smaller holder is saved both money and inconvenience, in that most unpopular of all proceedings, *viz.*, the payment of revenue.

But in the case of the North-West, limitations to the contrary notwithstanding, all rights of property, such as had existed for ages, were ruthlessly swept to the winds, and without reference to the fact, that rent-rolls under our Government would daily improve a miserable 20 per cent. calculated on the rentals of that day, in a country then notoriously under-populated, was arbitrarily accepted by Government as full compensation for the loss of superior rights, and paid over, with much show of consideration, in half-yearly instalments to the men they had robbed. And, as if it was not enough to deprive the for-ever set-aside proprietors of any share in the profits which our improved administration might thereafter create, the compensation actually allowed was not to be paid in perpetuity. It has recently been cut down to 10 per cent., and the result of all this is apparent in the fact, that the dispossesed Rajas are now Rajas in name alone, while each sub-proprietary *Birtia* has developed into a hereditary Zamindar.*

* It may be mentioned that in the settlement of IX. of 1833, there was no attempt made to discriminate between a *purchased* and a *conferred* Birt-tenure. The man who had paid money for his hereditary title, and the man who got his tenure as a simple wound-pension for life, or as blood-money, from his feudal chief, was alike converted by us into *proprietor*.

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We can, to a considerable degree, follow the cry for hereditary village institutions, and we can well understand that many a good man would wish to see the old village proprietors respected and fostered; but here, we venture to say, is the village system run altogether wild, and with no other apparent view than to foster a peasant proprietary, created by our own system at the expense of the aristocracy, which we found indigenous in the land!

In addition to the changes of procedure which the local administration has so commendably introduced, sight must not be lost of the great change that has been made in the substantive law of the land, since rights in property in the older provinces came under settlement,—a change, which has materially amended the system of operations. Under the former Law of Limitations (Cl. 3, S. 3, II. 1805), the settlement officer looked back for a period of 60 years for a valid proprietary title, and the most approved test of that title was, a well dug, an embankment made, or a grove planted, by some far off ancestor of the long dispossessed applicant. But the law now in force (Act XIV. of 1859) has restricted this search to twelve years; and fortunate it is that it is so, for our more recent experience has taught us that cultivators and others, without a vestige of right, had the privilege of constructing such works as those we have mentioned. To assume, therefore, on the simple fact of the existence of relics such as these, that the originator of them must have been the proprietor of the estate, appears to us to be as impolitic as it was unjust. Better far is it to leave such obsolete rights amongst the cobwebs of antiquity, than to create excitement and discontent by attempting to revive them, whether it be in entire estates, or in the shares of coparcenary communities. Better far is it to accept things as they have been within the memory of the living, and, in accordance with our modern legislation, accepting them, in fact, as we found them, and as the native Government permitted them to be, than to take up long forgotten and dormant animosities, which death alone could again allay.

How little understood after all are these Indian tenures! Simple enough they are to those who will really undertake to solve them,—to the settlement officer, who, with the blue sky above, and the green woods and fields around him, makes them his care. But how complex and uninteresting to the general reader, and, perhaps, to him who seeks to find his light through the spectacles of a native ministerial officer in the unsavory atmosphere of a crowded court.

One word in conclusion. We have sought to handle this subject in a spirit of candour and fairness. We have had our humble

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share in working both the old and the new systems, under the great and good Thomason, and under the not less just, if less known, Wingfield, and we can, therefore, speak from personal without prejudice or partiality.

Ere this paper sees the light, the fame of these able administrators, the living and the dead, as far as Upper India is concerned, will alike pertain to the province of history. But though the men may be gone, their measures will be ever present with us, to be tested by their own merits, and, if we may judge of these, with the lights already at our disposal, we have no hesitation in predicting, that if the one will ever be affectionately remembered in the land, as the friend of the Indian peasant, the other will be none the less favorably kept in mind, as the preserver of some of India's peers.

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ART. VI. 1.—*Histoire Naturelle des Quinquinas ou Monographie du genre Cinchona; par* M. H. A. Weddell, M. D. 1849.

2. *Illustrations of the Nueva Quinologia of Pavon,* with colored plates, by W. Fitch, F. L. S., and *Observations on the Barks,* described by John Eliot Howard, F. L. S., &c. 1862.

3. *Travels in Peru and India, while superintending the collection of Chinchona plants and seeds in South America, and their introduction into India;* by Clements R. Markham, F. S. A., &c. 1862.

4. *Copy of Correspondence relating to the introduction of the Chinchona plant into India, and to proceedings connected with its cultivation from March* 1852 *to March* 1863 (Blue Book, 20th March, 1863.)

5. *Reports on the Cultivation of Cinchona in the Neilgherries, Darjeeling, Ceylon, and Java.*

6. *Report on the Cultivation and Propagation of Chinchona in the Valley of Kangra, Punjab;* by W. Nassau Lees, L.L.D., 1865.

7. *Pharmaceutical Journal.* 1862—1865.

THE rapid destruction of the Peruvian forests of cinchona, and the consequent necessity which existed for taking measures to prevent a total failure of the precious bark, long engaged the attention of scientific and thinking men. So far back as 1735, Ulloa urged upon the Spanish Government the organization of a forest conservancy, and he was followed by Humboldt and others who pointed out the disastrous consequences, which would attend the extirpation of the valuable quinine-yielding forests. The authorities, however, were only so far alive to the emergencies of the case, as to provide for the discovery of new tracts of cinchona, which soon threatened to be denuded in their turn by the ruthless age of the improvident

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cascarillero. The subject was thus forced upon the attention of other European Governments, to whom a supply of the invaluable febrifuge had become an actual necessity. Experiments were made for the purpose of introducing and naturalizing the cinchona plant in other countries suited to its growth. But from the time when La Condamine's little cargo of plants was shipwrecked at the mouth of the Amazon, failure and disappointment only seemed to attend any attempt to transport the cinchonæ from their native forests. Even the Dutch, who were the first nation which succeeded in acclimatizing any of the species, have now discovered to their pain that the bulk of their plantations in Java are utterly worthless. It was reserved for Great Britain, whose vast Indian possessions at once created an extraordinary demand for quinine, and afforded peculiar facilities for the naturalization of the sources of supply, to introduce and cultivate with success an exotic of such incalculable value to the whole world. The remarkable progress, indeed, which the cultivation has made of late years in this country, and the confidence with which it is being extended on all sides by private, as well as public, enterprise, demand that we should take a survey of what has already been accomplished, and review the grounds for supposing that the cultivation will ultimately re-pay the trouble and expense which is being bestowed upon it. We shall endeavour in the present paper to bring together the results which have already been achieved in different parts of India, and thus by their aid deduce the prospects which may fairly be anticipated for the future.

The cinchona family is said to derive its name from Ana, Countess of Chinchon, a town in the kingdom of Toledo. This lady, when Vice-Queen of Peru in 1638, was cured of an intermittent fever, of which she lay sick in her palace at Lima, by a parcel of Loja bark administered by her physician Juan de Vega. On her return to Spain, she introduced the new febrifuge into Europe, and by this simple act of philanthropy immortalized her name. For some time the medicine was known only as 'Countess's bark' or 'Countess's powder,' and more than a century afterwards, in 1742, Linnæus established in her honor the genus *Cinchona*. Meanwhile, the tree itself went by the name of *quinquina*, or 'bark of barks', from the Quichua word *quina*, corrupted by the Spaniards into 'china,' the word still retained in homœopathic pharmacy; and in consequence of the medicine being largely imported and distributed by Cardinal de Lugo and the Jesuit missionaries, it was not unfrequently termed 'Cardinal's bark' and 'Jesuits' bark.' The novel drug was a long time in fighting its way to popularity, the most

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absurd feature in the matter being, that doctors of theology took as large a part in the controversy as the most eminent physicians.

Although the bark was thus being imported into Europe, and winning itself an important place in the pharmacopœa of modern medicine, it was not till 1738, just a century after the discovery of the efficacy of its febrifugal qualities, that any description was published of the plant itself. In that year La Condamine, the chief member of the French scientific expedition to South America in 1735, described the 'quinquina' tree in the 'Mémoires de l'Academie,' and five years later he made the first attempt to introduce cinchona into Europe. His botanical labours in this direction have since been rewarded by the cognomen of *Condaminea*, which, having for some years superseded that of *Officinalis* given to the Loja species by Linnæus, has, on the restoration of the latter name, been awarded to that particular variety which La Condamine discovered on the mountain of Uritusinga. La Condamine's unfortunate coadjutor, Joseph de Jussieu, has also been connected with the history of this family in the shrubby variety of *C. Calisaya*, called *C. Josephiana*.

Thirty years later the Spanish Government, warned by the threatened extinction of the Loja forests, organized two botanical expeditions for the purpose of exploring the cinchona region in other parts of their vast possessions in South America. The former of these, headed by Mutis and his disciples, Caldas and Zea, investigated the cinchona of New Grenada, and discovered the valuable species *C. Lancifolia*. The latter expedition, entrusted to the famous botanists, Ruiz and Pavon, explored the forests of Peru; and it was their pupil Tafalla, who, in the prosecution of his researches, found the *C. Micrantha* in 1797. New and extensive regions of bark having been discovered, and the pressure upon the Loja forests being thus relieved, the Spanish Government appears to have considered it quite unnecessary to adopt any system of forest conservancy; and so long as the bark was forthcoming at the ports of exportation, the authorities exhibited little anxiety respecting the sources of the supply. An exception should, perhaps, be made in the case of Bolivia, where the Congress certainly did interfere, but where its interference will ever be held up to derision as an example of the most short-sighted policy. To quote Mr. Markham's words, 'instead of taking measures to prevent the reckless 'destruction of the trees, to establish extensive nurseries for 'young plants, and thus ensure a constant and sufficient supply 'of young bark, these Bolivians have meddled with the trade, 'attempted to regulate European prices by the most barbarous

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'legislation, and allowed the forest to be denuded of chinchona-'trees.'

The next expedition for the purpose of acquiring information relative to the sources and supply of Peruvian bark, was organized by the French Government. In 1845, Dr. Weddell was attached to the scientific mission of Count de Castelnau, when he explored Bolivia, and discovered the valuable *C. Calisaya.* He subsequently penetrated into the provinces of Caravaya in South Peru, where he was joined by M. Delondre, a manufacturer of quinine at Havre. Although the valuable information acquired by previous botanists, including Poeppig who travelled in Chili and Peru, 1827-32, regarding the situation and properties of the various species of cinchona discovered, was of the utmost importance, if not absolutely necessary to the success of any project for the naturalization of the plant in other countries, this may be said to have been the first expedition from which any practical results emanated. To it we not only owe the famous 'Histoire Naturelle des Quinquinas,' but Dr. Weddell was enabled to collect seeds of C. Calisaya, which germinated in Paris and London, and from which, in consequence of the utter failure of Mr. Markham's expedition, the whole of the stock of that species in India, Java, and Ceylon, has been propagated. Before, however, we proceed further in our sketch of the steps by which this inestimable product was introduced into India, it may be expedient to notice the different species of cinchona with which we are acquainted, and which are, as far as our present knowledge goes, the most valuable for their medicinal virtues.

The region of the cinchona forests extends, generally speaking, along the eastern slopes of the cordillera of the Andes, from 19° south to 10° north of the equator through the provinces of Bolivia, Caravaya, Peru, Ecuador, and New Grenada, thus forming an irregular semi-circular belt over 1,740 miles of latitude. The C. Succirubra, yielding the *Cascarilla loja* or red bark, is the only species, so far as we are aware, that has ever been found west of this chain. The trees flourish in an equable temperature, the tenderer sorts descending as low as 2,500 feet above the level of the sea, while the more hardy rise as high as 9,000 feet. It is stated indeed as an ascertained fact, that the higher the elevation at which the tree can be made to grow, the larger will be the proportion of alkaloids extracted from the bark. There are five sorts of medicinal bark valuable in commerce, and as these are the only kinds likely to be cultivated to any great extent in this country, we shall confine our attention to them. As the various species of cinchona are in some degree distinctly separated and marked off as it were by zones of latitude, these five

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sorts of barks are not unfrequently designated by the regions where they respectively flourish, and to which they peculiarly belong.

1. The genuine *red bark (C. Succirubra)* is found in the forests on the western slopes of Chimborazo, and is, commercially speaking, the most valuable of all—the yield in alkaloids being from 4 to 6 per cent. from tabla, and 3·6 per cent. from quills. The price for dried bark varies from 2*s.* 6*d.* per lb. to 8*s.* 9*d.* Though a large quantity of this bark has for some years been brought into the market, but little was known of the tree before Mr. Spruce collected plants and seeds in 1860 for its introduction into India. It is, however, the species which seems to flourish better than any other in this country.

2. The *yellow bark* of Bolivia (*C. Calisaya*) is next in importance to this red bark. It yields nearly 4 per cent. of quinine, and is sold from 2*s.* 10*d.* to 7*s.* per lb. This species was introduced into Europe by Dr. Weddell, and, thanks to his exertions, we have now a large supply both in India and Ceylon.

3. The *crown barks* of Loja or Loxa (so called from being originally reserved for the use of royalty) are procured from the *C. Officinalis*, of which three varieties are considered to be valuable; *C. Condaminea* or *Uritusinga*, yielding the original Loja bark, which has been nearly exterminated in the American forests; *C. Bonplandiana* or *Chahuarguera*, the rusty crown bark of commerce, which only comes now in quills; and *C. Crespella* or *Crispa*, a hardy plant yielding a 'fragrant and pretty looking bark,' called the fine crown bark. The extract of alkaloids is from 3½ to 4 per cent., and the price in the London market is about the same as for yellow barks.

4. The *New Grenada* or *Pitayo bark* is undoubtedly one of the most valuable, though but little known. Cross, who collected seeds in 1863, sent specimens of what he called 'the red variety', and which will probably be recognised hereafter as the true *C. Pitayensis*. From these specimens Dr. Jameson of Quito extracted 3·2 per cent. of quinine, and Mr. Howard obtained the 'surprising amount of 8·6 per cent. of alkaloid soluble in ether'. Unfortunately the seeds never germinated, and if it should prove a new variety, we are still without one of the richest barks. The common variety *C. Lancifolia* of Mutis is a hardy plant, and in exposed situations the bark will yield 2½ per cent. of quinine, and from 1 to 2 per cent. of cinchonine. By the exertions of Dr. Karsten, seeds of this variety were collected and sent to Java, whence all the Indian stock was subsequently obtained.

5. The *grey barks* of commerce are found in Huanuco in North Peru, and are chiefly valuable for the cinchonine they contain.

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There are three varieties; *C. Nitida*, a hardy and lofty tree yielding the *quina cana legitima* or genuine grey bark; *C. Micrantha*, yielding the *Cascarilla Provinciana* which is greatly in demand for the Russian market; and *C. Peruviana*, so named by Mr. Howard. The bark yields from two to three per cent. of cinchonine, and fetches from 1*s.* 8*d.* to 2*s.* 10*d.* per lb. Seeds of this species were collected by Mr. Pritchett in Huanuco, and forwarded to this country, but though the varieties were kept distinct according to the names borne by the labels, the best botanists have as yet been unable to observe any distinguishing characteristics, and the whole are usually comprehended under the name of *C. Micrantha.*

Such are the most valuable of the 'Peruvian barks' with which we are acquainted—and through the exertions made by the Government in 1860-61, nearly all the species enumerated are now flourishing in this country. We have omitted all mention of *C. Pahudiana*, so named by Howard in honor of the exertions of M. Pahud, who, first as Minister of the Colonies, and subsequently as Governor General of Netherlands' India, did so much for the cultivation of the cinchona plant in Java. This species, introduced by M. Hasskarl who mistook it for *C. Ovata*, forms the bulk of the Dutch stock in that island, but, as the bark is now universally condemned as worthless for medicinal purposes, its propagation has not been extended in India or Ceylon.

The credit of precedence in recommending the introduction of cinchona into India, has usually been assigned to the late Dr. Royle, who mentioned the subject cursorily in his work on Himalayan Botany, in 1839. But the first official notice of the subject was the result of a paper published by Dr. Falconer in 1852, in the Journal of the Agricultural Society of India, (Vol. VIII, p. 13). In consequence of this suggestion, recommended as it was by the local Government, an attempt was made to procure seeds and plants from South America through Her Majesty's Consular Agents. Mr. Cope, the Consul in Ecuador, alone complied with the requisition, but the plants he forwarded all died on the voyage, while the seeds never germinated. Meanwhile, Dr. Royle had collected from the gardens at Edinburgh and Kew, six plants of *C. Calisaya*, raised from seed brought over by Dr. Weddell. They were entrusted to the charge of Mr. Fortune, then on his mission to China, by whom they were conveyed in Wardian cases by the overland route to Calcutta, where five of the plants arrived alive at the commencement of 1853. These five plants were kept in Calcutta throughout the hot weather and rains with the object of propagating

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from them. The cuttings however died, and the original plants were sent up to Darjeeling, where three arrived in perfect health, and were planted by Dr. Campbell in his garden in the Station. The elevation of 7,000 feet, however, proved to be too exposed a site, and the plants were all killed by the frost during the winter, 1854-55.

During the next year, 1855, Dr. T. Anderson, the present Superintendent of the Calcutta Botanical Gardens, took up the subject again in the Indian Annals of Medical Science (Vol. V, p. 259), and recommended in particular the cultivation of the plant at Darjeeling, where, under his own auspices, it is now succeeding so admirably. Dr. Royle, having again reported favourably on the subject, was authorized by the Court of Directors to dispatch a botanical collector to the cinchona districts in South America; but his death unfortunately intervened before the necessary arrangements had been completed. At length in 1859, the hopes of those who had so long been urging this question upon the attention of Government, seemed in a fair way for consummation. In that year Mr. Clements H. Markham, a junior clerk in the India Office, offered his services as collector, and Lord Stanley, then Secretary of State for India, thought fit to accept them. It is not our intention to re-produce the criticism passed upon Mr. Markham's appointment both at the time and subsequent to the failure of his expedition. Suffice it to say that it was a fortunate circumstance for India, that the services of Richard Spruce, an excellent botanist, well-acquainted with the flora of South America, were secured at the same time. To this gentleman attaches the credit of having successfully performed the task allotted to him, and of introducing the most valuable species of cinchona which has been hitherto discovered.

Three different expeditions were planned for this enterprise, and their history may be told in few words. Mr. Markham himself visited the province of Caravaya in South Peru, where, during a sojourn of little over a month, he succeeded in procuring upwards of five hundred plants of *C. Calisaya*. Without waiting to collect seeds or attempting to penetrate into Bolivia—a part of his original plan—he returned to England with the plants he had collected,* and accompanying them in person by the overland route, arrived at Ootacamund on the 12th October, 1860. Cuttings were immediately made from the plants, but

* Mr. Markham had been authorized to charter a vessel for the transportation of the plants direct to India across the Pacific, but for some reason he did not avail himself of the permission granted him.

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they were all more or less infected, and not a single plant survived. It was afterwards admitted that instead of collecting seedlings, which was necessarily a work of time and patience, Mr. Markham had been content to take stolons or root shoots, which had but little life in themselves, and speedily rotted from below.

Mr. Pritchett was more successful. To this gentleman, who, though not pretending to great botanical knowledge, was well acquainted with the country, had been assigned the task of collecting the *grey bark* species in the province of Huanuco, in North Peru. Though the flowering season was past, he collected a large quantity of seeds, which he believed to be the varieties described by botanists. The seeds were accordingly received at Ootacamund in January, 1861, three packets labelled as *C. Micrantha*, *C. Nitida*, and *C. Peruviana*, and a fourth, nameless. They were sown and germinated; and the different varieties are still kept distinct at Ootacamund. We observe, however, that neither Dr. Anderson nor Mr. Thwaites preserve any such distinction, and we are informed that the young trees, though five years old, present no distinguishing characteristics as yet.

But the palm of success must undoubtedly be awarded to Mr. Spruce, who, accompanied by Dr. Taylor and a practical gardener named Cross, explored the forests of *C. Succirubra* on the western slopes of Chimborazo. Here having taken up a temporary abode, he not only made his own cuttings, but collected 'at least one hundred thousand seeds,' the whole of which he dispatched from Guayaquil under charge of the gardener Cross on the 2nd January, 1861. In England Cross took charge also of six plants of *C. Calisaya*, which had been brought together by Sir William Hooker, and arrived at Ootacamund with his precious freight on 17th April, 1861. On his return to South America, whither he was attracted 'by the richness and variety of the flora of the Andes,' he was engaged to collect seeds of *C. Officinalis* in the Loja forests, and so energetically did he perform the task entrusted to him, that in December, 1861, he succeeded in dispatching a large quantity of seed of *C. Bonplandiana* and *C. Crispa*, a great proportion of which germinated in this country. In 1863, he was again employed to collect seeds of the Pitayo Bark. This valuable species had been almost exterminated, but Cross was fortunate enough to come across a small clump of young trees, which he was allowed to denude of their seed, before they fell a prey to the all-devouring axe. He gathered the seeds in July and August, 1863, and brought them to the part of Quayaquil; but his promised remuneration not having reached the hands of Her Majesty's

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Consul there, he stupidly carried them off again with him into the forests, and when in April of the following year they ultimately arrived in India, they had completely lost their germinating powers.

The apparent want of success which had attended Mr. Markham's efforts to obtain a supply of *C. Calisaya*, had however, in the first instance, naturally discouraged the Indian Government, and induced it at the commencement of 1861 to entertain a proposal for the introduction of this valuable febrifuge from the Island of Java. Accordingly, the Governor General of Netherlands' India was addressed on the subject, and the Dutch Government, with characteristic generosity, placed at our disposal seeds and plants of whatever species it possessed. Dr. Anderson, Superintendent of the Botanical Gardens at Calcutta, was deputed to receive and convey the plants to this country. But before we proceed to notice the results of his mission, it is necessary to give some account of the introduction of cinchona into Java.

Among the scientific men, who for some years had been urging the extension of cinchona cultivation to other countries, not a few were Dutchmen, and it was the Dutch Government which first took active steps for its introduction into the Eastern Hemisphere. In 1852, M. Pahud, then Minister of the Colonies, selected M. Justus Charles Hasskarl, a botanist who had for some time superintended the gardens in Java, for the purpose of collecting seeds and plants in South America. Hasskarl procured 400 plants of *C. Calisaya* from Bolivia, and having collected seeds of what he believed to be *C. Ovata*, he sailed in 1854 direct to Java, in a vessel which had been placed at his disposal. More plants were subsequently sent from Holland, including seeds of *C. Lancifolia*, collected by Dr. Karsten in New Grenada, and the experiment was put on its trial. The cultivation did not thrive, however, under Hasskarl's management, and the original plants were gradually dying, when he was superseded by Dr. Franz Junghuhn, by whom a totally different system was organized. The plants were removed from their exposed position in a shallow soil under a burning sun, to more congenial sites under the shade of the forest; and this experiment succeeded so well that in 1857 some of the plants blossomed, and in the next year bore fruit. Mistakes, however, were still made, the chief being the extensive propagation of the worthless *C. Pahudiana*. Although an eminent chemist, Dr. de Vrij was employed on the spot on a very high salary, hopes were still held out of this species ultimately yielding quinine, and thus large forests of it were planted out to the comparative neglect of other species.

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It has, therefore, been the fashion in some quarters, while decrying the labours of Hasskarl in particular, to compare our own more successful results with those attained by the Dutch, and in a spirit of self-glorification, to speak of the cultivation in Java with derision. But it must be remembered that the transplantation of cinchona from their native forests was an entirely novel experiment, and the Dutch had no previous experience to guide them. As remarked by Dr. Falconer in 1852, 'great obscurity and contrariety of opinion among botanists attached to the species, in relation to the numerous varieties of bark known in commerce.' Beyond the few plants of *C. Calisaya*, which had been raised in European hot-beds from seed brought over by Dr. Weddell, Hasskarl had probably never had the opportunity of seeing a cinchona, and he most certainly succeeded in introducing the most valuable bark then known. The system of propagation pursued by the Dutch is now admitted by themselves to have been erroneous, but we might ourselves have pursued the same method, had we not had the advantage of observing and profiting by their mistakes. Nor should it be forgotten with what liberality the Dutch Government supplied us not only with information, but with a stock of plants of all the species they possessed—species, two of which are of unquestionable value, and the third had not at that time been universally condemned. We may hope, however, that a new era in cinchona cultivation has now commenced in Java. In 1861, plants of *C. Succirubra* were presented to the Dutch Government in return for the species we received from Java, though there is a niggardly tone about our Secretary's letter, which will scarcely bear comparison with the liberality evinced by that Government.* And thus after a series of mistakes and disappointments extending over a period of ten years, the cultivation may, at length, be said to have been fairly started. The following statement gives the number of plants in the island according to the latest official returns:—

Species of cinchona.	31*st Dec.*, 1863.	31*st. Dec.*, 1864.
C. Calisaya	19,330 ...	... 36,909
C. Pahudiana	1,347,026 ...	... 1,071,736
Carried over ...	1,366,356 ...	... 1,108,645

* '*Not more* in return for the valuable accession actually received to our 'stock of plants of *C. Calisaya*, than in acknowledgment of the very cour-'teous and liberal spirit evinced by the Dutch authorities'! Letter from the Secretary to the Government of India, Home Department, tothe Secretary to the Government of Fort St. George, dated 9th December, 1861, quoted from Markham.

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Brought forward ...	1,366,356	...	...	1,108,645
C. Succirubra... ...	124	...	...	401
C. Lancifolia	481	...	...	689
C. Micrantha* ...	1	...	...	1
Total of all sorts.	1,366,962			1,109,737.

Dr. Anderson started on his mission in September, 1861, and returned in the following December bringing with him 56 plants of *C. Calisaya*, 350 of *C. Pahudiana*, and 6 of *C. Lancifolia*. Six plants of C. Calisaya, and about 60 of C. Pahudiana were retained in the Calcutta Botanic Gardens, as a nucleus for a nursery in Bengal, and the remainder arrived at Ootacamund on the the 20th Dec., 1861. C. Pahudiana is now universally acknowledged to be worthless,† and its propagation has long since ceased to be extended. But the other two species presented by the Dutch Government are among the most valuable, and their introduction was well worth the trouble and expense of Dr. Anderson's expedition. Our propagating stock of *C. Calisaya* was thus increased from six plants to upwards of sixty; a fact of no insignificant importance, when the shyness and consequently the difficulty of propagating this species are taken into consideration. The third species, *C. Lancifolia*, was now introduced into India for the first time. Only one of the six plants survived, and that was for a long time in a weak sickly condition. It ultimately recovered, however, and became the parent stock of all the plants we now possess of this kind.

Such were the circumstances, under which the cultivation of cinchona was commenced in British India. The experiment at the Neilgherries was placed under the management of Mr. W. G. McIvor, a practical gardener who had superintended the Government Gardens at Ootacamund for many years. This gentleman has been eminently successful in the work of propagation; and in the various experiments tested by him, not only have several important discoveries, made by him, been instrumental in swelling the size of the Government plantations at Ootacamund, but the results, as embodied in his monthly reports, have been of the greatest service to the private planter. The accompanying table gives at one view a sketch of the progress made in the cultivation at the Neilgherries, from its introduction up to the present time.

* This single plant had been inadvertently packed in a case of *C. Succirubra*, received from Ootacamund.

† Dr. de Vrij, however, is still jealous of the virtues of *C. Pahudiana*. He now gives it as his opinion, that its bark will in all probability be found quite suitable for decoctions, extracts, &c. &c.

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Table showing the rate of propagation in the Government Cinchona Plantations on the Neilgherries up to September, 1865.

	Species.	Number of original Plants, and date of receipt.	30th April 1862.	31 Dec. 1862.	30th April 1863.	30th Sept. 1863.	31st Dec. 1863.	30th April 1864.	30th Sept. 1864.	31st Dec. 1864.	30th April 1865.	30th Sept. 1865.
C. Officinalis	C. Succirubra ...	457, Apl. 1861 ...	14,450	45,352	53,854	76,590	86,742	91,046	1,19,135	1,38,119	1,50,686	2,21,280
	C. Calisaya ...	54, Apl. Dec. 1861	237	1,448	1,587	1,725	1,768	1,993	2,481	2,560	2,773	3,138
	C. Condaminea ...	1, April 1862 ...	1	872	1,051	2,880	6,350	3,448	1,529	2,705	4,323	8,489
	C. Bonplandiana ...	Seeds, Feb. 1862 ...	8,000	46,751	77,322	1,26,863	1,55,780	2,27,195	2,91,,85	3,24,276	3,67,716	5,09,021
	C. Crispa... ...	Ditto	105	664	1,003	1,280	1,569	1,728	2,230	2,367	2,729	3,139
	C. Lancifolia ...	4, Dec. 1861 ...	1	1	1	6	6	8	20	28	52	93
C. Micrantha.	C. Nitida... ...	Seeds, Feb. 1861 ...	2,922	8,591	8,345	8,394	8,406	8,425	8,483	8,500	8,500	8,500
	C. Species Ignota ...	Do. do. ...	1,211	2,569	2,638	2,734	2,745	2,769	2,780	2,786	2,786	2,786
	C- Micrantha ...	Do. do. ...	3,786	8,304	8,517	9,473	10,139	10,913	13,787	14,314	14,724	14,893
	C. Peruviana ...	Do. do. ...	357	2,729	2,961	3,097	3,153	3,175	3,338	3,372	3,389	3,389
	C. Pahudiana ...	250, Dec. 1861 ...	425	425	425	425	425	425	425	425	425	425
	Total ...	.....	31,495	1,17,706	1,57,704	2,33,476	2,77,083	3,51,125	4,45.291	4,99,452	5,58,105	7,75,153
	Increase by propagation during the month ...	.....	.....	.....	12,565	15,874	18,657	28,988	21,600	24,006	27,358	78,725
	Average monthly increase during six months. ...	.....	.....	.....	12,000	14,208	16,044	19,251	22,776	21,982	19,660	40,910

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On the 30th Sept. 1865, 244,871 plants had been permanently planted out, the more advanced of which had attained a height of 10½ feet. One of the plants cut down in March 1863 had made strong shoots, 6 feet in height. The total number of plants distributed to the public was 81,491, their destination being of wide extent from Algiers and Jamaica to New Zealand. The cultivation would seem to have established itself firmly in the Madras Presidency, and the planters have been only too ready to avail themselves of the opportunity afforded, of commencing so promising and lucrative a trade. We have just heard it stated, that Mr. McIvor himself has resigned the superintendence of the Government plantations, in order to undertake the cultivation on his private account; and if the report is true, it is a fact of no small significance, as showing the confidence in its ultimate success possessed by the man who has had the largest practical experience of the cultivation in India.

We may notice in this place, the result of the attempt to introduce the cinchona into other Colonies of Great Britain. In accordance with his instructions, Mr. Spruce forwarded a packet of seeds of *C. Succirubra* to Jamaica, and Mr. Pritchett sent seeds of the grey bark species to both that island and Trinidad. At the latter place the seeds never germinated; in Jamaica they came up plentifully, but the plants languished in the heat of the plains, and they had to be removed to higher ground near Catherine's Peak. Here they were left without even a gardener to tend them, and thus, in consequence of the utter want of all superintendence, the cultivation has proved a lamentable failure. It is to be hoped that at no distant day the Governors of our West India possessions will recognize the propriety and importance of fostering so profitable a branch of commerce.

It was in 1861, that the extension of the cultivation of cinchona to the Eastern Himalaya was sanctioned by Lord Canning. With this view Dr. Anderson on his return from Java was authorized to leave six plants of *C. Calisaya*, and fifty nine of *C. Pahudiana* in the Botanic Gardens at Calcutta, as the nucleus of the new nursery to be formed at Darjeeling. To these were added 193 plants brought back from Ootacamund, and 31 seedlings raised in the Gardens; and thus on the 24th March, 1862, 249 plants and 548 seedlings of *C. Pahudiana*, which had been raised in Calcutta from the Java seed, were dispatched from the Botanic Gardens under charge of a European gardener. Of these plants, 211 only arrived at Sinchul during May: the whole of the *C. Pahudiana* seedlings being injured by an accident which happened to the case containing them. Pending the construction of a road through primeval forest to the site selected by Dr. Anderson,

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an empty barrack was turned into a temporary conservatory, and the plants remained throughout a rigorous winter at an exposed elevation of 8,400 feet above the level of the sea, where all propagation was naturally arrested. The dilatory proceedings of the Public Works Department precluded the possibility of the new site being made accessible before the approach of another winter, and the nursery was, therefore, removed in April of the following year to Darjeeling, where a private garden in the vicinity, situated at an elevation of 6,000 feet, was rented for the purpose. In October 1864, the road being sufficiently advanced, the operation of transporting frames, &c., to Rungbee, a distance of fifteen miles, was commenced; and by April of the following year, all the plants had been removed from Lebong, and the work of cultivation was fairly started. The following table of the numbers of the different species of Cinchona in the Government nursery at Darjeeling, will show how seriously these removals interfered with the progress of propagation, and what satisfactory results may now be anticipated, when the plantations have been permanently fixed.

Species.	June 1862.	1st April 1863.	1st April 1864.	31st Dec. 1864.	1st April 1865.	31st Dec. 1865.
C. Succirubra ...	74	420	3,053	3,120	7,030	47,534
C. Calisaya ...	5	51	172	23	37	142
C. Officinalis ...	...	125	2,930	11,529	23,929	63,330
C. Micrantha ...	79	323	1,144	584	1,294	4,754
C. Pahudiana ...	53	1,892	2,275	5,094	5,094	5,192
Total of all species	211	2,811†	9,574	20,340	37,382	120,852

Besides the above, 1,000 plants have already been sold to the public, and 2,000 are kept at Rungearoong as a propagating stock to supply the heavy demand for plants by private parties. The number of plants permanently planted out at Rungbee, is 3436, and several of these, which we measured last October, just a year after being planted out, had attained a height of nearly five feet. It is intended to raise the propagating stock of each

† Of these, 327 were received from Ootacamund, and 11 from Ceylon.

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species to the number of 10,000—a limit already attained with the species of *C. Succirubra*, and *C. Officinalis*,—and afterwards to devote the produce to the formation of bark-yielding plantations in the open air. These plantations are being formed at different elevations, with a view to test the conditions favourable to the growth of the various species. A sufficient number of cuttings to plant out twenty acres at six feet apart had already been set aside at the close of last year, and this number will have been greatly increased before the arrival of the proper season for planting.

Besides the Government plantation, the cultivation of cinchona has been introduced by several of the Tea planters at Darjeeling, and though as yet only in its infancy, there can be no doubt that quinine yielding bark will in a few years become one of the chief products of the district. The most satisfactory results probably have been attained by the Cinchona Association, which has been enabled to propagate with such success as to increase its stock of plants ten-fold in the past year.

It remains to notice the result of the experiment in other parts of India. In the North-Western Provinces Dr. Jameson introduced some plants into Gurhwal in 1862, but they appear to have been neglected, and have all perished. A fresh supply, however, is to be despatched from Darjeeling, and it is to be hoped the cultivation will be carried on under better auspices. Greater success has attended the experiment in the Punjab. After considerable failure and disappointment, Captain Lees has at length placed his plantation at New Quito in the Kangra valley on a firm basis. The number of plants at the end of March last was 4,279; the rate of propagation being about 2,000 per cent. per annum. A few plants had been planted out in the open air, one of which had attained a height of three feet in nine months. Plants have, moreover, we observe, been distributed in Assam and Burmah, but we have not been able to glean any particulars regarding their propagation. We should not be sanguine, however, as to the result, unless they were treated with greater care than one batch we heard of, which were seen at Wilson's Hotel denuded of leaves, and packed in an open basket. Eligible sites for plantations will, no doubt, be found both in the Khasia Hills and at Chittagong, where it is the intention of Government, we believe, to establish an experimental nursery. The plants are being forwarded from Darjeeling,* but the success of the

* We have just seen a batch of these plants *en route*. They were sent from Darjeeling in a small box by Dâk Banghy, the roots being packed in dry moss, and the leaves wrapped in paper. They have thus reached Calcutta in as healthy a condition as could be desired.

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experiment cannot be ensured, so long as the cultivation is entrusted to amateurs or officials, without the aid of a practical gardener.

The situation and physical characteristics of the island of Ceylon, pointed it out from the very first as one of the most promising districts for the introduction and cultivation of cinchona. In 1861, one large plant of *C. Calisaya*, three feet in height, and one smaller cutting were safely transported from the Kew Gardens, under charge of Dr. Anderson. In the course of the same year, a portion of the seeds collected by Messrs. Spruce, Pritchett, and Cross in South America, were also forwarded to Ceylon, and about a hundred plants of *C. Succirubra* were subsequently received from Kew. The above, with the addition of twelve plants of *C. Calisaya*, liberally presented by the Dutch Government in 1863, formed the nucleus of the Ceylon stock, which has since been so successfully propagated by the gardener Mr. McNicol, under the superintendence of Mr. Thwaites. That gentleman speaks most confidently in his last Report of the future prospects of the cultivation in that island, and the statistics fully bear out the most sanguine expectations. He writes, 'Many thousands of plants have been distributed 'from the Hakgalle garden, and I have received from the various 'parts of the island, where they have been planted, most favour-'able reports of their perfect health and vigorous growth, and 'not a single report of an opposite character has yet reached me, 'so that there appears to be every prospect of quinine becoming, 'before very long, one of the most important products of the 'island.' The rate of increase may, to some extent, be deduced, from the following statement of the number of plants remaining in the Hakgalle garden, at the close of each year under report.

31st August 1861. ...	1862.	1863.	1864.	1865.
840.	2,845.	22,050.	1,89,521.	3,54,026.

These numbers are, of course, exclusive of the plants distributed to the public, and include those permanently planted out in the Government plantations. The actual number of plants, distributed up to the 31st August 1865, was 129, 350, or more than half as many again as have been distributed from Ootacamund; while application had been made for as many as 439,274 plants.

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The condition of the plants remaining in the garden on that date, will be seen from the following statement:—

Names of Species.	Permanently planted out.	Stock Plants.	For Distribution.	Cuttings.	Total.
C. Succirubra	1,345	2,380	63,158	78,290	1,45,173
C. Officinalis	1,044	1,934	1,09,845	93,880	2,06,703
C. Crespella...	430	.....	.....	.....	430
C. Micrantha...	600	.....	.....	612	1,212
C. Calisaya.	100	.....	.....	261	361
C. Pahudiana...	25	.....	.....	122	147
Total of plants of all spc.	.....	... ..	.....	.....	3,54,026

The tallest plant of *C. Succirubra* was raised fron seed received from South America in the middle of 1861, and had attained a height of 4 feet in the first year. In the second year, the tree was 10 feet high, and the stem 7 inches in circumference; in the third year, it was nearly 14 feet high, and 9 inches in circumference, while at the end of the fourth year, it had attained a growth of 17 feet, the trunk measuring nearly 13 inches round at the base. Although plants as well as seeds of this species were received at Ootacamund, the highest plant there did not exceed 10 feet at the same date. We understand, moreover, that *C. Officinalis* has lately borne fruit in Ceylon, and that some of the seeds which were forwarded to Darjeeling, are in process of germination.

We have thus sketched the introduction of cinchona into India, and its cultivation up to the present. But we should be doing scarce justice to Mr. Markham, were we to leave our readers under the impression that, in consequence of the unfortunate loss of all the plants collected by him, he has forfeited all claim to the credit of having been instrumental in the work. That gentleman's own exaggerated account of his services and exertions has undoubtedly had the effect of creating an undue depreciation of his merits. So far as his personal services in the work of collection were concerned, India has derived no benefit whatever from his expensive but unsuccessful mission

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to South America. We possess, indeed, the *C. Calisaya*, which it was Mr. Markham's especial province to collect; but it is to Dr. Weddell, who collected seeds in 1848, that the Eastern Hemisphere is indebted for this species. But we should be wrong in saying that India has not benefited indirectly from Mr. Markham's exertions. From the day on which he tendered his services to the Secretary of State, he has taken so large an interest in the experiment, as has been sufficient to bring it to a practical issue and ensure success. His official position has enabled him to place the subject before Government in a clear light, and to urge the adoption of measures without which that success would have been impossible. We may well believe that a considerable degree of the interest manifested by Sir Charles Wood in this enterprise, is entirely due to the promptings of his official subordinate: and it may perhaps be doubted whether, had Mr. Markham never placed his services at the disposal of Government for this purpose, the whole subject of the introduction of cinchona into India might not still be looming in the future, instead of being, as it is, a fact actually accomplished.

It is time now to turn to the future prospects of cinchona cultivation. The great question which has to be solved is this:—will the cultivation of cinchona yield an adequate return for the labour and capital expended upon it, and be in every way a profitable investment; or, in other words, will it pay? The solution of this question is affected by conditions so multifarious, that we despair of carrying conviction to the minds of all. Differences of climate and temperature, the available supply of land and labour, must naturally influence each individual scheme in different degrees, and the necessarily imperfect estimates we have to offer, may possibly be deemed unsatisfactory. But we shall endeavour to make the most of the facts and statistics at our disposal, and leave every one at liberty to form his own opinion of the results.

Our readers are doubtless aware that the large supplies of Peruvian bark, hitherto imported into Europe, are the product of indigenous virgin forests in South America. It is the threatened failure of these sources of supply that has induced other nations, and more especially the English, to attempt the cultivation of the cinchona for medicinal and commercial purposes. The cultivation of any plant, with which we are acquainted only in its natural wild state, is an experiment requiring constant care and patience; but the difficulties are enormously increased in the case of cinchona, owing to the very imperfect knowledge we have of the plant, and the diversity of conclusions that are drawn from the few facts that are known. Hitherto the trees have been

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found growing in the midst of dense primeval forests; there, for the last two centuries, the process of gathering the bark has been carried on by the hardy *cascarillero;* but until quite lately the conditions of their growth were never investigated, and are even now but very imperfectly understood. The bark, moreover, being the spontaneous gift of nature, human labour was only so far required as to collect and transport it to the coast. And yet, notwithstanding the indigenous supply and the small cost of production, the drug has always commanded a monopoly price. It remains to be ascertained therefore, not only whether the attempt to cultivate cinchona will prove successful, but whether the cultivated bark can compete with the natural supply.

Now in no respect is the evidence of the gradual exhaustion of the South American forests more apparent than in the inferiority of the bark now-a-days exported, compared with that which was received formerly. This inferiority is not only observable in the degree of purity in which the bark arrives in Europe, but in its very form. When a cinchona tree has been discovered and felled in the forest, the collectors usually prepare the bark upon the spot. The solid trunk bark, called *tabla* or *plancha* by the natives, is dried in flat oblong slabs, while the thinner bark from the branches curls up like cinnamon on exposure to the sun, and thus forms the *canuto* or quill bark. In this state it is conveyed to the coast, where it is sewn up in coarse canvas and enveloped in a case of fresh hide, forming the packages called *serons*. The market value of the two forms of bark however differ considerably, the former being much richer in alkaloids; but to such an extent have the forests been denuded of the more valuable species of cinchona, such as C. Officinalis and C. Pitayensis, that the quills are the only form in which the bark is now imported: the large forest trees have been utterly extirpated, and all the bark that is now gathered is the product of suckers and saplings only.

In considering the question of the introduction of cinchona cultivation into India, this fact of the superiority of the trunk bark or *tabla* could not escape observation, and it was, therefore, very naturally supposed that all our exertions in this enterprise must aim at procuring the bark in this form. At the same time another important consideration was not overlooked, that, if it were necessary to wait thirty or forty years for the maturity of the trees, although a wealthy Government might afford to forego its profits during the interval, yet it could hardly be expected that the cultivation would be fostered by private enterprise, and, least of all, in India, where fortunes are accumulated in

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commerce with such rapidity. And though for some time hopes were held out, that the young trees might be fit to cut at the age of twelve or twenty years, still it was felt that even this period was too long; and we believe it is now universally admitted, that to succeed commercially, private cultivation must be limited to procuring a supply of quill bark. It is to the cultivation of the bark in this form therefore, that the substance of our remarks will be restricted.

It is not our intention to say many words on the practical management of a cinchona plantation. The conditions most favourable to the growth of the plants and the elaboration of the alkaloids in the bark, have formed the subject of much controversy, and are not yet finally determined. The success which has accompanied the experimental cultivation at Darjeeling and in the Kangra valley, proves that it was a mistake to suppose that the cinchona is necessarily confined within the tropics. A cool and equable temperature however, where possible, is to be preferred, though much may be effected by a judicious selection of elevation in different latitudes. The *vexata quæstio* of growing the plants under the shade of forest trees, as in Java, has been determined by an acknowledgment, that the sooner the plants can do without shade, the more natural and healthy will be their growth. But it has been at the some time proved, that shade is indispensable while the plants are young and tender, and one of the chief difficulties will be to ascertain the most effectual plan of shading them during the first year after being planted out. The most satisfactory mode of propagation hitherto pursued, has been by means of cuttings. Propagation by layers and buds has also been attended with considerable success, but it is naturally a much slower process, and the plants never seem to attain the same degree of healthy vigour as those raised from cuttings. By this latter method a rate of increase has been attained as high as 2,000 per cent. per annum. The cuttings should be made from 1½ to 2 inches in length, and planted in pots or boxes of pure sand, the slightest moisture in the soil causing them to rot off. Hereafter, no doubt, the plants will be more extensively propagated by seedlings; but as yet few trees have even flowered, and, owing to the peculiar dimorphic character of the cinchona, by which a large congregation of plants is necessary for the fertilization of the ovules, still fewer have borne fruit. It will probably be found advantageous to plant a few acres as a permanent reserve for purposes of seed. To say nothing of the demand which may confidently be anticipated for many years to come, the trees can at any time be cut down for the bark, when no longer required for seed.

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The plants after being 'hardened off,' will be planted out in the permanent plantations at six, eight, or ten feet apart. They will be grown in a shrubby form as coppice, and either by the annual pruning of the branches, or by being periodically cut down, will yield quill-bark in the same way as cinnamon trees. The latter method is probably that which will find acceptance with planters, a succession of crops being provided by plantations of different ages. The tree when cut down to within six inches of the ground sends forth new shoots which, owing to the more advanced maturity of the root, grow more rapidly than the original stem. A plant cut down at Ootacamund threw up shoots, which attained a height of six feet in eighteen months. If two only of such shoots were allowed to grow, it is obvious that the yield of bark would double itself at each successive harvest. Experience alone can decide at what age it will be found most profitable (all things considered) to cut down the plants. Two points must be taken into consideration, as we have two indeterminate quantites to deal with. In the first place the object will be to obtain the maximum yield of bark and a complete formation of alkaloids therein, while, on the other hand, it is of importance that the cultivation should yield a return at as early a date as possible. We cannot do better than quote the opinion of Mr. J. E. Howard on these points. In 1863 that gentleman wrote as follows: 'the exact period at which it would be 'advisable to cut the bark must be ascertained by experiment, 'but I think this should take place as soon as the bark attains 'a thickness which would re-pay the cultivation. There would 'be a positive disadvantage in allowing the bark to attain such 'an age as is indicated by many of the specimens from South 'America, if the object to be attained is the extraction of the 'alkaloids, since there is a continual process of deterioration of 'these after a certain period in the history of the bark, which 'is connected with the oxidation of the red colouring matter, 'and the production in very old trees of those fine descriptions 'of bright red bark, which command, indeed, a high price in the 'market (as much as the present time as eight shillings per lb.), 'but which would not, in many cases, be more valuable for the 'production of quinine than bark of one year's growth.' Yet Mr. Howard is equally convinced that the trees should not be cut too young. In June of the following year, when remarking on the chemical analysis of a specimen of bark of *C. Succirubra*, sixteen months old, from which he had extracted 2·97 per cent. of alkaloids, he writes:—'The consideration of this specimen for- 'cibly suggests the desirability of giving the bark as long a time 'as possible to mature, since the additional thirteen months of

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'No. 1 specimen, (which had yielded 6 per cent. of alkaloid) 'have much more than double the commercial value of the bark, 'the proportion of quinine which could be easily obtained crystal-'lized as sulphate being about one-third of No. 1 specimen.' It is obvious, therefore, that no specific age can be fixed as yet for cutting the young trees. It must, as remarked by Mr. Howard, be ascertained by experiment, and all we can do at present is to collect and chronicle the results for future reference. Much will naturally depend upon the particular locality, and questions of aspect and attitude will have to be determined in each individual case. We have already seen that the plants in Ceylon have far outshot their contemporaries in the Neilgherries, the latter having taken four years to attain a height, which was reached by the plants at Hakgalle in little more than two. It would seem, however, as though the conditions favorable for the rapid growth of the tree are not altogether identical with those which tend to increase the therapeutic properties of the bark, though the latter are the qualities which determine its value in the market.

But before proceeding further with this part of our subject, it may be convenient to give some brief account of the vegetable alkaloids found in cinchona bark. Previous to the discovery of quinine by the French chemists Pelletier and Caventou in 1820, cinchona bark had been used in pharmacy solely in its crude state. Attempts at analysis had been made from time to time, and with some degree of success. In 1790, Fourcroy found a coloring matter in the bark which has since been called *cinchona red.* In 1803, the existence of *quinic acid* was discovered; and in 1816, Dr. Gomez, a surgeon in the Portuguese army, succeeded in isolating a febrifugal principle, the existence of which had been previously suggested, and which he called *cinchonine.* Subsequently in 1852, two other alkaloids called *quinidine* and *cinchonidine* were discoverd by M. Pasteur, and from that time to the present, important steps in analysis have been made by Mr. Howard and Dr. de Vrij. It will suffice, however, for our present purpose to premise that all these four alkaloids are found in different proportions in the bark of almost every species of cinchona. *C. Calisaya* and *C. Succirubra* are the richest in quinine; the grey barks of Huanuco in cinchonine, and the Pitayo bark in quinidine and cinchonidine. All these alkaloids crystalize as salts, cinchonine alone being insoluble in ether. As a medicine, the bisulphate of quinine is preferred, the therapeutic properties of the rest being not yet definitely determined. Cinchonidine is said to be 'only second to quinine itself in importance as a febrifugal principle,' and it is acknowledged that cinchonine even may be advantageously used in the milder forms of intermittent

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fever, and those febrile affections in which stimulant tonics are indicated. Its febrifugal virtues, however, are only one-third those of quinine; while its toxical energy contrasts remarkably with its therapeutic insufficiency. Dr. Daniell, when experimentally employing this alkaloid in lieu of quinine in Western Africa, found that its use induced vertigo and cerebral congestion, and the results of his experience are confirmed by the Council of Health of the French Army. On the other hand, Dr. Macpherson, who had large opportunities of testing its properties in this country, insists that 'its effects are precisely those of quinine without the same degree of efficiency,' and in this view he is supported by Briquet and Howard. It is to be hoped that the question will receive further consideration from our most eminent physicians. It may be that cinchonine has only to fight over again that battle against prejudice and opinion, which has been so often fought successfully before, or the value of the grey barks may really be over-estimated. It is a fact, however, that they are largely sought after for the Russian market, and pending further investigation, we think the cultivation of this species should not be hastily rejected.

With regard to the production of the alkaloids in the plant but little is known at present. We shall endeavour, however, to place our readers in possession of the main facts that have been discovered, bearing on this portion of our subject. The formation of the alkaloids takes place first in the leaves, and is subsequently continued in the bark, but although some cases were successfully treated at Darjeeling by an infusion of the leaves, Mr. Howard is convinced that they can never be made to yield quinine. He succeeded, indeed, in extracting 1·31 per cent. of rough alkaloids, but they existed 'in very intimate relationship with the green coloring matter.' It is well known that climatic influences aid or retard the formation of the alkaloids. They are found most abundant in those trees which are grown at high elevations, and there can be no doubt that by judicious and scientific cultivation, a much larger proportion may be elaborated, than is possible in their primitive wild condition. In June 1863, in an analysis of a small quantity of bark of C. *Succirubra* from Ootacamund, cut in the second year's growth, Mr. Howard succeeded in extracting 4·30 per cent. of rough alkaloids, which on further investigation yielded from 3·30 to 3·40 per cent. of pure alkaloids, of which 2·40 per cent. was quinine and cinchonidine soluble in ether. 'This result,' he writes, 'must be considered extremely favorable.' 'I have noticed,' he continues, 'the product of some fine 'quills of South American red bark as 3·60 per cent., the larger , bark (*tabla*) of the same parcel producing 3·91 per cent. of

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'alkaloids. Dr. Riegel obtained from one ounce of red bark, the 'best quality, 4·16 per cent. by Rabourdine's process, or 3·90 by 'that of Buchner. Of this, 2·65 per cent. soluble in ether was 'reckoned as quinine, and the rest was set down as cinchonine. 'I have obtained a much larger per centage from large and pecu-'liarly fine "red bark," but I see no reason to doubt that even 'this higher per centage would be attained in the East Indies, 'if time were allowed for the growth.' And he was right; for in December of the same year, he obtained no less 6 per cent. of rough alkaloid from branches 'eighteen months old and under.' On further purification the yield was 4·10 per cent. of quinidine, cinchonidine and quinine (the two former in larger proportion) and 0·9 insoluble in ether, making a total of 5 per cent. Again in June 1864, the ascertained yield of pure alkaloids from 5 ounces of dry bark, two and a half years old, was 6 per cent. in the following proportions; quinine 3·14, cinchonine 2·16, cinchonidine 0·8. Mr. Howard's anticipations have thus been fully realized.

We proceed to notice the results of Dr. de Vrij's chemical analysis. This gentleman, when visiting Ceylon and the Neilgherries at the close of 1863, procured a quantity of specimens of cinchona bark and leaves, and the result of his experiments was embodied in a paper, which is valuable as containing the testimony of a scientific and competent foreigner to the success of cinchona cultivation in this country. From the bark of a stem, eighteen months old, which had been thickened by moss, Dr. de Vrij obtained no less than 8·4 per cent. of alkaloids of which 2·76 per cent. was quinine, and 5·64 per cent. cinchonine and cinchonidine. But the most remarkable feature of Dr. de Vrij's analysis is the preponderance, in which the alkaloids are demonstrated to exist in the bark of the root. A healthy tree of *C. Succirubra*, 14½ months old, grown from a layer, six feet in height, with a circumference 4¼ inches at the base, yielded from its stem bark 2·65 per cent. only of alkaloids, of which 1·48 was quinine; while the root-bark yielded no less than 7·51 per cent., 3·44 per cent. being quinine. Similarly a plant of *C. Calisaya* yielded only 1·89 per cent. of alkaloids from the bark of the stem, and 3·1 from that of the root. The stem of *C. Pahudiana* gave 45 per cent., and the root of the same plant 1·55. *C. Micrantha* yielded 2·79 from stem bark, and 4·16 from the bark of the roots. And these results are confirmed in the opinion of Dr. de Vrij by a specimen of South American root-bark of *C. Lancifolia*, forwarded to him by Delondre, which contained 8·66 per cent. of alkaloids. It is to be observed, however, that owing to the mode of analysis employed, the per centage of quinine exhibited in the above investigations is

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acknowledged to be somewhat excessive, while in some instances Dr. de Vrij was unable to ascertain the exact quantity, though its existence was proved.

These results, however, are entirely opposed to all Mr. Howard's experience, whose investigations on the root-bark of *C. Calisaya* led him to precisely the opposite conclusions. He ascertained that 1,000 parts of the root bark only yielded as much crystallizing salts as 100 parts of ordinary Calisaya bark, indicating that the latter was in such respects ten times more valuable than the former. It is well known that the collectors in Bolivia *adulterate* the genuine Calisaya bark with that of the root, and that such bark, because it is thus adulterated, is not so valuable in commerce. But even supposing it proved that the root bark will yield an equal or greater percentage of alkaloids, we are nevertheless inclined to agree with Mr. Howard that such a proceeding as the cultivation of the plant for the sake of such bark would be very like killing the goose for the sake of the golden egg.

Let us now endeavour to estimate the chances of a return from the cultivation of cinchona. In September 1861, the Government of Madras, basing their remarks upon a minute by Sir W. T. Denison summed up the prospects of the experiment in the following words. 'Thus for an outlay of £3,100, and an annual 'charge of about £1,300, the Government will have a Nursery and 'and two plantations of 160 acres of cinchona. Each acre will con-'tain about 700 trees, and each tree is estimated after (say) ten 'years' growth to produce 5lbs. weight of bark annually, for which 'sixpence per lb. is a low price. Taking, however, 650 trees to the 'acre, and 3,000 lbs. weight only of bark, the annual produce 'would be 480,000 lbs. worth £12,000, as the return on a capital 'of £3,100, and an annual outlay of £1,300.' In the following year, Sir William Denison indited a second minute on the same subject on which he writes,—'I have proposed to plant 150 acres 'annually, because, I am of opinion that the Government will 'have to depend very much on its own exertions to provide 'cinchona bark to an extent at all commensurate with its con-'sumption; it is perfectly true that many persons have asked 'for plants, and professed their intention of making plantations, 'but looking to the fact that they must under any circumstances 'remain without any interest upon their outlay for nine or ten 'years, and that this outlay will amount with interest to about '£100 per acre, I do not think that any great extent of land 'will be planted. Should the lopping and pruning produce the 'quantity of bark anticipated by Mr. McIver, the return will be 'sufficient to repay the capital expended in about ten years, exclusive of interest; but the supply will not be large enough

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'to produce any great effect on the market price of quinine, 'which will go on increasing until the trees now planted arrive 'at their full growth, say forty years, when the return might 'amount to 40,000 lbs. of bark per acre, or for 180 acres six 'millions of lbs. The cost to the Government will be at the 'utmost, supposing there to be no return in the interval, about '£1000 per acre, and the return, even at present prices, would be 'at least £16,000 per acre.' If this estimate be correct, the Government might shortly be in a position to pay off the National Debt; and, in the prospect of such enormous profit, it is difficult to see how Sir William Denison could have doubted the success of cinchona cultivation by private enterprise. That the fears he expressed rest on no solid basis, is sufficiently demonstrated by the fact that from Ootacamund alone plants have been destributed to upwards of eighty private individuals, while the applications of many others have not as yet been complied with. We are of opinion however that a more favorable estimate even than the above may be taken of the cultivation, in so far that it will yield an earlier return. We have already seen that bark two and half years old will yield as large a proportion of alkaloids, if not larger than American quill bark; and we may therefore assume that so far as the medicinal properties of the bark are concerned, it will be fit for use at three or four years of age. Now the plant from which this bark was taken was not more than six feet in hight, and yielded five ounces of dried bark, while one tree in Ceylon has attained a height of as much as seventeen feet in four years, with a corresponding girth of nearly thirteen inches. We shall assume therefore that the trees may be cut down at the age of four years, and that each tree, on the average, will at that age yield one lb. of dry bark. Suppose then we invest in five hundred acres of waste land, and clear and plant one hundred acres in each of four successive years, reserving one hundred acres for Buildings, Nurseries, and a permanent Seed Plantation. Setting our plants at six feet apart, each acre will hold about 1200, and we shall require about 125,000 plants for planting out each year. We, therefore, commence with a lakh and a half of plants, reserving 25,000 in our Nurseries as a propagating stock, which at the end of the fourth year may be planted out in the permanent Seed Nursery, and allowed to grow without restraint. Our expenditure may thus be estimated as follows:—

Purchase-money of 500 acres of waste, at Rs. 5 an acre	Rs.	2,500
Cost of clearing the same, at Rs. 20 an acre...	,,	10,000
Buildings and Nurseries	,,	10,000
Carried over ...		22,500

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	Brought forward Rs.	22,500
Cost of 150,000 plants, at 4 annas each ...	,,	37,500
Salary of a practical Gardener on Rs. 200 per mensem for four years	,,	10,000
Permanent establishment of fifty Coolies at Rs. 6 per mensem for four years ...	,,	14,400
Contingencies, say...	,,	15,600
Total Rupees ...		1,00,000

Thus for an outlay of capital of about a lakh of Rupees or £10,000, we might have 400 acres under cinchona. Now what will be the return? By cutting each crop in rotation at the end of the fourth year, the annual yield will be 1,20,000, lbs. of bark, which at six pence per lb would realize £3,000, or, if we assume that our bark will fetch a shilling a pound all round, which is not an exorbitant price, £6,000. Such, however, will be the annual return for four years only, after which the quantity of bark and therefore the profits will probably be doubled. The return may, however, be calculated in another way. Supposing our bark, like the sample of 1864, yield 3 per cent. of quinine, it will require two pounds of bark to yield 1 ounce of quinine, the price of which, in England, is ten shillings. One-fifth of that price is, therefore, not too high a figure at which to estimate the value of the bark to the cultivator. Deducting the annual expenditure, or Rs. 10,000 at the outside, we shall have a clear profit on our outlay of 50 per cent. per annum for four years, and upwards of 100 per cent. per annum afterwards. Of course these enormous profits will no sooner have been realized, than hundreds of capitalists will be eager to engage in the cultivation; the increased supply will have the effect of reducing the present monopoly prices, and considerable disappointment will be the result. But this must necessarily be the case with every new branch of trade or commerce. It is the early bird that always gets the worm, and his superior energy and activity fully entitle him to it.

It will be observed, that in the foregoing calculation, we have estimated the original cost of our plants at four annas each, the price charged for them at the Government Nursery at Ootacamund; it may be objected that the large quantity required could not readily be obtained there, and could not be raised at that price by actual propagation. But to this we would reply that on the 30th April 1864, the plants actually in the Government nurseries at Ootacamund and distributed therefrom, had cost the Government only six annas each, and this cultivation takes no account of the plants which might have been propagated

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from those permanently planted out, or which may have been propagated from those distributed at different times. Moreover, the average cost of each plant is considerably diminished every year as the stock increases, so that there is no doubt that the price of four annas a plant is now very much above the actual cost. But turning to our own estimate, suppose we purchase 25,000 plants only, the quantity we require as a propagating stock, and assume that we can propagate at the rate of 500 per cent. per annum, which is not a very extravagant hypothesis. We shall thus have to pay Rs. 10,000, say, for another year's management, and about Rs. 2,000 more as interest on our outlay, and the required plants will still be raised for less than half the sum which we have entered in our estimate.

It remains for us to notice the political aspect of the subject. We are not going to enter upon a discussion as to the morality of the proceedings adopted by the English and Dutch Governments in employing agents to filch from a jealous country the product of which it has hitherto enjoyed a monopoly. We certainly cannot approve the very questionable though straitlaced conscientiousness of Mr. Markham, who, while condemning the proceedings of M. Hasskarl as unscrupulous, pursued a similar course himself under, perhaps, exaggerated circumstances.

We are led to suspect that Mr. Markham's strict views of morality are only assumed to exaggerate his own account of the difficulties he had to encounter, and as an apology for his want of success. We are of opinion ourselves that the ignorance and apathy of the South American Republics, the utter carelessness about the subject in all the States but one, and in that one the most misguided legislation, afford a strong, if not a convincing argument, in favour of any policy which should have for its object the abolition of a monopoly prejudicial to the health and convenience of the world. And it must be borne in mind that neither the English nor the Dutch have ever intended to benefit themselves exclusively by the success which attended their predatory expeditions, but have always been willing to assist other nations, as for instance the French in Algeria, in the introduction of this valuable medicinal plant. We may wish that our collections in South America had been made with the concurrence, instead of in the face, of the various Governments; but at the same time it was better that they should be made under those circumstances than that they should never have been made at all.

But another question arises, which, from the importance attached to it in certain quarters, cannot be altogether ignored. Has not the time arrived when the Government should withdraw from competing with private enterprise in the cultivation

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of cinchona? It will be admitted on all sides that the Government would no longer be justified in maintaining its plantations, so soon as there is a satisfactory prospect of its own demand being adequately supplied, and this new branch of commerce placed on a sound basis. It will be remembered that one of the chief arguments for the introduction of cinchona cultivation into India was the enormous expense, amounting, it was said, to as much as £50,000 per annum, to which the Indian Government was subjected for a supply of quinine; and not only was this sum paid for the product of a foreign country, but there was good reason to apprehend a total failure of the sources of supply. When the interest which Government has at stake is considered, together with the expense which has already been incurred in introducing the plant, it will scarcely be urged that it should give up the management of its own plantations, until the success of the cultivation has been placed beyond a doubt. It should not be forgotten that so long as the cultivation is on its trial, the Government has peculiar advantages in making experiments and testing the various theories put forth. Not only are its resources more ample, but it is generally in a position to command the highest talent and the greatest scientific knowledge. And the cultivation is as yet an experiment only; not a single ounce of quinine has yet been manufactured from bark exported from this country. The best authorities are not yet agreed on several important principles affecting the growth of the plant and the formation of the alkaloids in the bark. The natural conditions of climate, temperature, and elevation have yet to be determined, and it is impossible that any private planter or planters could collect the necessary statistics for the determination of these important questions, with the same accuracy and completeness as can be done by the governing authorities. And when it is considered that the results of these experiments are the common public property, and may be appropriated by each individual planter, without his being subjected to the necessary expense, we think that those who are *bonâ fide* planters and not mere speculators, will scarcely wish to see the Government recede from the cultivation for many years to come. That the enterprise will eventually succeed—nay, that it has already succeeded beyond the most sanguine expectations, we ourselves have not a doubt. We anticipate with Mr. Thwaites that the export of cinchona bark will ere long become one of the most valuable branches of commerce not only of Ceylon, but of every Presidency in India. And, what is perhaps of more importance, we are confident that the extension of cinchona cultivation must prove to be a measure of incalculable benefit, not only to the natives of this country, but to the world at large.

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ART VII.—1. *The Gazette of India.*

THE *Gazette of India* published, about a year ago, one of the most statesmanlike and comprehensive enactments that has ever been promulgated in this much over-governed country. We allude to the minute by His Excellency the Viceroy on Canal Irrigation, in which he rules that all lands are to pay equal rates for the water they consume. The actual rule promulgated in the minute is, that every crop is to be charged at a certain fixed rate, Rs. 2-4 per acre, except sugarcane, which is to pay Rs. 5. We consider charging by the crop instead of by the year a mistake, and we think the charges altogether are high, but these are mere questions of detail which can be easily determined by enquiry and experience; it is the broad principle of the rule we admire, and we think that the same principle might be most felicitously applied to other sections of the administration. We will endeavour in this short article to show how beneficially the principle would work on assessments in general all over the country.

As our ideas, if worth any thing at all, can be interesting only to those who are acquainted with the system of assessment as at present carried out, we will give no detail of that, merely remarking that it is said to be based on facts as they exist, and not on any speculative provisions. The main fact, as will be admitted by every one practically acquainted with agriculture, is, that no soil is worth any thing without water, and on this fact we base our theory, and assert, that land should be assessed at an uniform, but almost nominal rate, and moreover, that the principle should be carried out in its entirety by making the tax on water an uniform one also. This can only be done by fixing the tax at so low a rate that it shall be no bar to improvement. Adam Smith says, 'the tithe which is but one tenth of 'the produce is found to be a very great hindrance to improvement. 'A tax, therefore, which amounted to one half must have been an 'effectual bar to it.' We will suppose a rate fixed for the whole of the cultivation in the country at Rs. 10-14 per acre, and a tax on water at the rate of Rs. 2-8 per acre throughout the year, no matter how many or what kind of crops the land produces. Our rates may be too high or too low; this is a matter of detail, and we are but illustrating a principle. At the same time, we are of opinion that all lands worth cultivating should be able to pay double these rates as rent or net produce, as defined in Thomason's

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directions to Settlement Officers, para. 52, and that all labour expended on lands that yield a ridiculously small rent is merely thrown away. Proprietors who are anxious to keep idle hands on their estates under the pretence of cultivating at 2 annas and 4 annas per beegah, would by this plan have to pay a capitation tax per beegah for all such, at the rate of the difference between the actual rent and the lowest Government demand on cultivation. Moreover, land that is worth only a few annas per beegah is much better left alone; it may improve if left to nature, but can only become poorer by having even the smallest crop drawn from it without getting any return. It often happens that the population of an estate is scanty in proportion to the cultivated land in it. In such a case it would be no loss either to the proprietors or to the revenue, if the cultivation were to be reduced in extent. The yield of 100 acres, well-cultivated, would be equal to that of double the quantity poorly so, and it would be better that labour should be concentrated on the good lands of an estate, than dissipated on the bad lands, for it should always be borne in mind that it is the labour and not the soil that gives the increase. Whilst, however, fixing uniform rates for every beegah of cultivation irrigated and unirrigated throughout the country, we would not be understood to mean that a proprietor, whether of five beegahs or of 5,000 acres, may not let land at as low a rate as he pleases, but simply that on every acre of cultivation in his property he must pay a certain fixed rate to Government. And here we call in the aid of J. S. Mill who writes thus:—
'whenever in any country the proprietor, generally speaking,
'ceases to be the improver, political economy has nothing to say
'in defence of landed property as there established. In no sound
'theory of private property was it ever contemplated that the
'proprietor of land should be merely a sinecurist quartered on
'it;' and again, 'to be allowed any exclusive right at all over a
'portion of the common inheritance, while there are others who
'have no portion, is already a privilege. No quantity of move-
'able goods, which a person can acquire by his labour, prevents
'others from acquiring the same by the like means, but from the
'very nature of the case whoever owns land, keeps others out of
'the enjoyment of it. The privilege or monopoly is only defen-
'sible as a necessary evil: it becomes an injustice when carried
'to any point to which the compensating good does not follow it.'
Government, therefore, has the undoubted right, as it has the undisputed power, even to alienate the estates of those who are proprietors only in name and not in duty. The same principle applies to the proprietors who are refractory or imbecile, for 'the
'principle of property gives them no right to the land, but only a

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'right to compensation for whatever portion of their interest in 'the land it may be the policy of the State to deprive them of.'

We think it will be found that the rates we have proposed leave an ample margin for the recognition of claims to hold at favourable or equitable rates, whilst they do not impose a burden upon industry, or bar improvement.

It is an established fact that in almost every village in the country, lands (we do not mean soils) are divided into classes. These classes are generally three in number. The first class comprises lands lying close to habitation, and which are easily reached for the purposes of manuring, cultivating, and watching. These generally fetch the highest rents, and are defined by words meaning '*revenue payees*,' '*manured lands*,' &c. The lands composing the second class are more remote from habitations, fetch lower rents, and are indicated generally by terms meaning, '*middling*' '*fixed rents*,' &c. The third class lands lie more remote still, and are styled '*lesser rents*,' '*outer twigs*,' '*single crops, furthest off*,' &c. It is a prevalent idea that the first class lands invariably fetch the highest rents, the second class less, and the third class least; and such will be found to be the case as long as enquiries are confined to unirrigated land, but the contrary, when once the test of irrigation is applied. For instance, unirrigated lands of the first class in a village, may fetch rents at R. 1-12 per beegah, second class at R. 1-8, and third class at R.1-4, but alongside of these very lands, irrigated lands of the first class will be found bearing rent at Rs.3-12, second class at Rs. 3-8, and third class at Rs. 3-4 per beegah. If the rainy season has been a good one, the unirrigated lands are tolerably cultivated, and bear very good crops; if there has been a failure in the rains, they are left fallow. Lands of the first class lying most convenient get more or less manure, and bear consequently better crops than lands of either of the other classes, but there is not such a difference either in their yield or in their rents as to justify a marked difference in the rates put upon them. In the same manner irrigated lands close to habitations may be more universally manured, more highly cultivated, and better watched, than those at a distance, but almost all irrigated lands are more or less manured, and although the yield of the better manured and more highly cultivated fields will of course be better than that of others not so favoured, the difference in yield and in rents is not such as to justify a sensible difference in the rates they have respectively to bear. We are writing about facts in general and not about particular cases. Many villages have a few fields which are said to bear superior crops, and which bear proportionably higher

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rents. Near very large towns likewise some extent of land fetches a rent which is clearly exceptional, but such may be looked on as the upper ten thousand of cultivation, and no scheme of finance based on the taxation of an aristocracy could be successful. The tax that pays best is the one that reaches the greatest number.

Some districts are more favoured than others in the matter of rain, but none are so much so as to do away entirely with the necessity for irrigation, and regarding this it is necessary to lay down certain general rules. For instance, a field watered once, should be charged the same as one watered several times during the year; the cost for the former irrigation would be slight when compared to the expense incurred on the latter, but, by fixing the water rate so low as to leave a fair margin of profit, even when the outside expense had been incurred, the possibility of hindrance to improvement by the imposition of the tax is avoided. Actual facts are the true criterion by which to test the soundness of a theory, and the touchstone applicable here is the amount of high rented lands to be found in a village. No number of houses and no amount of population in a village will produce high rents where there are not means of irrigation; but produce the means of irrigation, and you create houses, population, and high rents, provided the land be not monopolized. Hence, all calculations based only on the number of houses, inhabitants, and cattle in a village, are utterly worthless when looked at through the medium of facts. Difference of soil having, we contend, very little to say to difference of yield when water, labour, and manure are procurable, and a plentiful supply of the first quickly creating the two last in populous districts, it follows that where the land is not monopolized, there is no hardship in fixing an uniform moderate rate on all soils. A far better-founded objection to the plan would be the proximity or remoteness of fields from the habitations of cultivators. But small hamlets are springing up on large estates all over the country, even in places where fields are too remote to be manured, but can get a plentiful supply of water. We would have it remembered, that we have proposed only a water-rate, not a manure-rate, one that, we believe, all irrigated lands can pay without burdening them so as to stop all attempts at irrigation. It would be in our opinion most impolitic to assess all lands according to their yield. A very larger margin, indeed, must be left for both the proprietor and the cultivator to encourage them to do their best by the land. That Government gets a half of even the net produce of the land, when its capabilities are made the most of, we consider as altogether a chimera, and we believe, were it otherwise, no assessment would

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stand. Some idea of the kind originated, we think, in the time of Akber Shah, and the delusion has been perpetuated through successive generations of officials to our own time. In some cases, the proprietor, in the shape of seer land, and, in others, most justly, the cultivator, gets the bulk of the produce of estates or holdings.

We consider it a mistake to assess culturable lands at all. The discrepancy between the revenue survey and assessment survey areas of culturable waste, is a striking proof of the difference of opinion existing as to what lands are capable of cultivation and what are decidedly barren. Ruins and sites of old cities are invariably entered in all returns as barren, and yet we have seen the finest growth of tobacco and other valuable crops on such sites. Oosur lands are also always returned as barren, and yet if they can be kept under water for two years, they will bear a good crop of rice in the third. These are extreme cases, but our remarks are applicable to many others.

Nor do we think it sound policy to assess an estate according to its capabilities of improvement. We consider this a speculative provision totally at variance with common sense. If the demand for the produce improves, or if from any other cause the condition of the people is bettered, the desire of accumulation follows as a natural consequence the facility for gratifying it. It is certain, however, that the yield of land cannot be increased without irrigation, and every acre brought within its reach increases the Government revenue. As to improvement in the mode of cultivation, that must always be due to industry and knowledge, which, in this age of enlightenment, are considerd to be beyond the pale of taxation.

If our principle be admitted to be good, the details would not be difficult. The proprietors of an estate should be bound to submit a statement of the cultivated and irrigated area within it. The correctness of this statement could easily be tested, and false statements should be treated as attempts at defrauding the Government of its revenue. Although the same fields may not be cultivated or irrigated every year, still the average amount of cultivation and irrigation in a village remains the same, and this average amount should be the amount taxed, and the proprietor should give notice of increase and decrease of either or both. It is easy enough to ascertain how many beegahs of land are under cultivation, or have been irrigated during the year, but it is next to impossible to say what the yield of a field may be even approximately; nay, it is notorious that the same field seldom yields an equal crop for two consecutive years, even in the same lands.

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To determine the difference in the quality of soils is the most difficult, as it is to a conscientious man the most harassing, duty, imposed on the assessing officer. Almost all classes combine in deceiving or in attempting to deceive him. Some, even agriculturists, through ignorance, but the majority, because they believe it to be their interest to do so. It is a well-known fact, and it is not a surprising one, that many officers engaged upon assessment duty, have never had an opportunity of studying agriculture either practically or theoretically, and although a well-educated man may have a very good idea of the general constitution of soils, the more he has read on the subject, the more convinced he must be how difficult the practical application of that knowledge is. With the number of works which have been published on agricultural chemistry, it is not much for any one to be able to say of what a soil is composed, but these very works teach us that although 'the general composition of a soil 'and its connection with one or other of the different classes of 'soils may, in some measure, be judged by examining it in 'the ordinary manner,—by its colour, texture, the characters of 'the stones it may contain, the quantity of organic matter, '&c.,—to be able to speak positively on this subject, it is 'necessary to ascertain the precise composition of the soil, and this 'can only be done by a chemical analysis. But a chemical 'analysis is of very little use unless it is complete, and the more 'valuable parts of the soil are accurately determined; and this 'operation requires much care even in the hands of an experienced 'chemist.'* Agricultural Chemistry teaches us, that, 'with a 'great amount of labour and expense, clay soils become exceedingly 'fertile, and return a good profit to the cultivators, since they 'require less in the shape of manure than most other kinds of soil;' that 'sandy soils are light, porous, deficient in retaining moisture, soon suffer from drought, and by heavy rains are deprived 'of the little valuable matter they may originally contain; that 'lime soils are a most extensive class,' and that 'soils of every 'degree of fertility are included in this division. The greater 'number of lime soils are poor, thin soils; some of them, however, 'are exceedingly good soils, and remarkable for their fertility.' Under such circumstances, who can recommend that classification of soils should be one of the bases of the assessment system? Such classification is of the utmost benefit to the interests of the proprieter and the cultivator; but it constitutes minutiæ into which Government, in our opinion, have no necessity to enter. Moreover, till we introduced the system of minute classification, the natives

* Agricultural Chemistry, by Alfred Sibson.

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themselves had no idea of the meanings of terms now in common use in many districts. They had words expressive of clay and sand and lime *(kunkur)* and of organic matter, and no wonder they should, as these are the four principal constituents of nearly all soils. They had also a term or terms for barren lands, and for a peculiar soil found in boggy, undrained lands, which, we believe, to be the noxious sulphate of iron, which, agricultural chemists assert, exerts such an injurious effect on vegetation. Whatever it may be, all kinds of rice flourish in land strongly impregnate with it, and it is used by potters in conjunction with '*Ray*,' which we have heard called muriate of soda, for the purpose of colouring the earthen vessels in common use all over the country. Many assessment officers must remember how often they have been harassed by the obstinate assertions of interested parties, that the soils of contiguous fields, of which the rents varied considerably, were different in their constitution, whereas the difference in rent was attributable to the castes of the holders, and not to the quality of the land; and how often they have been astonished at the reiterated assurances of villagers who were old enough to know, and who had passed their lives in cultivating such very fields, that they could not point out the difference between land in which transplanted rice can be raised, and that in which rice must be sown broadcast. No more satisfactory answer could be got from them, than that in the one transplanted rice can be raised, and in the other it cannot, and that this knowledge is traditional. And yet in such lands, the practised eye readily detects a difference, and the firmer soil of the two fetches a much higher rent than the other, and is entered in the assessment returns as irrigated, whilst the other appears as unirrigated land, but neither of them is so poor as not to be able to pay the low uniform rate we have proposed for all lands, and the richest is utterly useless unless irrigated. Hence, it is apparent that the result of all the assessing officer's labour, anxiety, and knowledge gained, is the conviction that assessing by classification of soils is a mistake, for that in very many cases, the lands said to bear inferior crops, are no way different in composition to the good-bearing lands, but that their situation with regard to facilities for manuring and irrigation is against them.

The main question is, would the water rate we have proposed deter individuals from improving the means of irrigation throughout the country? We believe not, because if an uniform rate were once established, the capitalist would merely calculate whether it would re-pay him to invest his money in such an undertaking, and the poor, ignorant, religious, or fanatical are

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guided by far different motives in the disposal of their superfluous means, than any communicated to them through the channels of official routine.

It is a favourite theory that little measures of relief and attention to infinitesimal minutiæ, often afford or produce great results, and our attention is drawn to the fabric of the British constitution, which has been patched so, that the colour of the original grounding is scarcely discernible, or to the wonderful tenant-properties in Switzerland, which are so subdivided, that it is difficult to understand how they support the numbers dependant upon each. To these arguments we reply, with a lecturer on the 'Science of History' at the Royal Institution about two years ago, that 'the conditions of human problems never repeat themselves,' neither does history repeat itself in modes of thought, nor are the antecedents of the countries named apposite to the question we are considering; and above all, those countries are peopled by races of freemen who have always been free, and who have for a very long period of time legislated for themselves through representatives elected by themselves. We are willing to grant that great results often follow the system of what we will term piecemeal legislation, but we deny that they are caused by it: it can be, at best, but an accessory. For instance, if Government were, in any district, to give notice that land irrigated from wells newly made were not to be subjected to increased rates during the currency of the existing settlement, and a number of wells were to be constructed during the next five years, far exceeding the number made in any other five years previous to the notice, it would get credit for a result due, most probably, to the generally increased prosperity of the country, or to some principle founded on a broader basis than such an order could be. For, if we examine the probable practical effect of such an order we find that it would be most unfair in the working. Were such an order issued at the commencement of a settlement, of, say, thirty years, Government would be a great loser, the holders of fields watered from wells so favoured would be great gainers, whilst the whole of the wells might have become useless by the end of the term of settlement, and the lands irrigated from them for so long would remain assessed as unirrigated lands. Were such a notice issued within a few years of the close of settlement, it would not be sufficient inducement to counterbalance the prospect of gain held out by waiting till the commencement of a new term. And, under any circumstances, would not those cultivators have reason to grumble, whose lands are irrigated from wells, dug from year to year, or from pools of water whose beds have to be periodically

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excavated? We hold to the principle that where money is, it must and will circulate, and that no amount of official inducement will produce what it requires capital to create.

The tendency of the theory above indicated would be to suggest that no private efforts at irrigation should be taxed for a certain number of years after their application, and to repudiate entirely the idea of an uniform rate upon land, on the ground that it must bear unfairly either on the cultivator of very poor lands, or on the Government revenue, if reduced so low as to meet the capabilities of such lands. We have already shown how unfair such a rule with reference to irrigation would be, and we will now examine the question of very poor lands. No one can for a moment suppose that land, which will not *bonâ fide* fetch more than three annas or six annas per acre, is capable of supporting an infant, much less even an emaciated calf. Then why have we such an extent of land in the country held at these ridiculous rents? For many reasons. The cultivator, who holds some of the best lands in a village at an exorbitant rent, but still finds them so profitable that he will not give them up; or in consequence of associations connected with them, or for a hundred other reasons, manages to get a few acres of far outlying land at a mere nominal rent, and the proprietor who has no other applicant for them, is only too glad to let him have them, as they retain to him a valuable contributor to his support. Or, it may be, the cultivator, a thriving man, has got a little capital and is bitten by a desire to speculate. Or the lazy dependant and hard-working labourer have both of them claims on the proprietor of an estate, which are most easily and economically satisfied by the grant of a few acres on the confines of it at a mere nominal rent. Or again, the claims of religion or the claims of superstition have made good their footing on a demesue, and are recompensed with the wages of labour even as the drone for the worker. We would not deprive the proprietor of the privilege and the pleasure of distributing his property as he chooses. A proprietary community might equalize their burdens and distribute their profits among themselves to the uttermost farthing, but they should not expect, nor did they before our time require, the Goverment to do it for them. With reference to this point, though we are not prepared to say that communism in a limited sense is not a very good system for those who like it, we think it would be an absurdity on the part of a of a Government to press a principle for which we have no kind of precedent, even in nature, for as the natives say, the fingers of our hands even are not of equal length. We are well aware that this is not according to the 'true idea of distributive justice,

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which consists, not in imitating, but in redressing, the inequalities and wrongs of nature, but for such a consummation, we must wait till the stronger and more powerful sections of mankind are willing to make sacrifices, which will reduce them to a level with their weaker or less fortunate fellows. But whilst allowing proprietors full scope for the exercise of all the higher attributes of human nature, we would not expose them to the temptation of so doing at the expense of their honesty, by putting it into their power to sustain friends and relatives, or the poor and needy, who have a right to look to them for support, on lands which would otherwise be paying revenue to Government, for we still contend that it would not be worth the while of the most abject to cultivate lands, which would not *bonâ fide* yield a rent equal to that charged by the Government rate for unirrigated land. The proprietor of a large estate can afford to let much land at this rate, making up for the deficiency here by the surplus elsewhere. But the proprietor of but a few beegahs has to pay no rent, but only this rate to Government, and he need not, unless he wishes it, allow any one to intercept the produce. It is no disgrace to a poor Brahmun or Rajpoot to dig a well or to manure a field. The only thing connected with cultivation, they are prevented by their castes from doing, is holding the plough.

There are three questions which very naturally suggest themselves on the introduction of a proposal like ours to public notice. What is the necessity for it? Would the revenue suffer? Would the people like it? Some of the reasons for the necessity we have already detailed; others are the enormous expense which has already been incurred, and which is still being incurred, by the present system of assessment, and the necessity for which would be entirely done away by our proposal; the peculiarly heavy incidence of the present land tax on the most industrious classes, and the want of any kind of standard, by which our resources with regard to land revenue may be computed.

From the returns of several districts in our provinces, which have from time to time been published, we are led to think that the revenue from land would be much increased by the adoption of the rates we have proposed, and we believe that all classes would most cheerfully acquiesce in the proposal, were it only with the view of securing exemption from the inquisitorial examination into their means, to say nothing of the trouble, vexation, and oppression, to which they are exposed by the present system of collecting statistics for assessment. The fixed assessment upon land should not be regarded as a tax, but as a rent charge in favour of the public; and the tax upon water cannot be considered a tax upon industry or improvement, but upon

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capital ;—which is not objectionable, so long as the payer can estimate what portion of it he will be allowed to keep.

We have purposely refrained from any but the slightest allusion to rights in land throughout this article, for though we are well aware that consideration of such rights is one of the first duties of an Assessment Officer, it is our opinion that such should not be the case.

Together with the Government demand, a certain sum amounting to about one per cent. is collected for local purposes, such as repairs of district roads, education, &c. This we consider a mistake. Such collections should be made, and their expenditure regulated by the people themselves, under the control of district officers. We do not think we make half enough use of the people for the management of what are really and truly their own affairs. We go further than this. We think that in both civil and revenue cases, disputes between natives should, in all possible cases, be decided by punchayut or arbitration, and in this opinion we are supported by the authority of some of the best judicial officers that the Indian Civil Service has ever produced.

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ART. VIII. 1.—*Mémoire pour le Sieur de la Bourdonnais, avec les pièces justificatives.* Paris, 1750.

2. *Supplement au mémoire du Sieur de la Bourdonnais.* Paris, 1751.

3. *Pièces justificatives supprimées par le Sieur de la Bourdonnais.* Paris, 1751.

4. *Lettre à M. de * * * sur le mémoire du Sieur de la Bourdonnais.* Paris, 1751.

5. *Mémoire pour le Sieur de la Gatinais, Capitaine du Vaisseau dans les Indes.* Paris, 1751.

6. *Mémoire à consulter pour la famille du Sieur Dupleix.* Paris, 1751.

7. *Second Mémoire à consulter pour la famille du Sieur Dupleix.* Paris, 1751.

8. *Observations sur les deux Mémoires à consulter distribués par la famille du Sieur Dupleix.* Paris, 1751.

9. *Mémoire pour le Sieur Dupleix contre la compagnie des Indes, avec les pièces justificatives.* Paris, 1759.

10. *A Voyage to the East Indies, &c.*, by Mr. Grose, 2 Vols. London, 1772.

11. *A History of the Military Transactions of the British Nation in Indostan from the year* 1745, by Robert Orme, Esq., F. A. S., 1803.

12. *Histoire de la conquête de l'Inde par l'Angleterre, par le Baron Barchou de Penhoen.* Paris, 1844.

13. *Inde,* par M. Dubois de Jancigny, Aide-de-Camp du Roi d'Oude, et par M. Xavier Raymond, Attaché à l'Ambassade de Chine. Paris, Firmin Didot Frères, 1845.

14. *A Gazetteer of Southern India,* by Pharaoh & Co., Madras, 1855.

15. *The History of British India,* by Mill and Wilson in ten Volumes. London, John Madden & Co., Leadenhall Street, 1858.

16. *The National Review, Volume XV.* London, Chapman and Hall, 193 Piccadilly, 1862.

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17. *Nouvelle Biographie Générale, depuis les temps les plus reculés jusquà nos jours.* Paris, Firmin Didot Frères, 1862.

THE eight ships which formed, after the repulse of the English fleet, the squadron commanded by La Bourdonnais, anchored off Pondichery on the evening of the 8th July, 1746. * The meeting between the Governor and the victorious admiral was cordial.† There was no reason why it should not be so,

* In all the histories, English as well as French, which have dealt with the relations between Dupleix and La Bourdonnais, the writers have scrupulously followed the version published by the latter. It was reserved for a writer in the *National Review*, who had access to the unpublished documents in the Pondicherry archives, to prove,—as he has proved most clearly,—that for upwards of an hundred years the world had been under a false impression as to the respective merits of these two famous men in this particular instance. It may be asked, why, under these circumstances, Dupleix was himself silent. The answer is, because he was condemned to silence by his Directors, and they had not the manliness to clear him. This fact is evident from the following passage, extracted from the memoirs of Dupleix, published in 1759, long after the appearance of his rival's memoirs, and at a time when he himself was undergoing the severest persecution at the hands of the Company. Even then he would only allude to the transactions he had had with La Bourdonnais in the following cautious manner:—'The Company knows with what ardour M. 'Dupleix supported the project formed against Madras, and with what zeal he 'seconded M. de La Bourdonnais by the promptitude with which he made, 'under very difficult circumstances, all the preparations for this important 'expedition. It knows also better than any one, what was the true cause of 'the contests that ensued between M. de La Bourdonnais and him, after the 'capitulation of that place. But M. Dupleix *respects too much the orders 'of the Ministry and those of the Company to dare to publish that which 'he has been enjoined to bury in the most profound secrecy*, and whatever 'interest he may have in justifying a conduct which he is well aware many 'people have condemned, *this motive, all-powerful though it be, will yield 'always to the law of duty.*'

This is the lofty language of an honest man. Yet for this noble devotion to duty, the reputation of Dupleix, in this one particular respect, has been calumniated for an hundred years. He has been called jealous of La Bourdonnais when he aided him to the utmost of his power, until jealousy for his country's interest forced him to discountenance his proceedings; he has been accused of breaking his plighted word when he had never given it; of base and dishonourable conduct, when he acted as an honourable and far-seeing statesman. The archives of the Company vindicate him completely. Dupleix died the year after the publication of his memoirs. Having connived at his being slandered whilst living, the Directors perpetuated the infamy by leaving the slander uncontradicted after his death. A revolution was indeed required to purify France from the foul and corrupt atmosphere inhaled and breathed out by her governing classes,—from King to East India Directors,—during the greater part of the eighteenth century.

† La Bourdonnais asserts in his memoirs that he was received in an unbecoming *(peu décente)* manner; but even if it were the case, it does not appear, if we may judge from the correspondence, to have affected the friendly terms upon which he consorted with Dupleix for the first few days after his arrival.

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for they were striving alike after the same object,—an object which could be attained only by their mutual co-operation. La Bourdonnais held an independent command, but on the continent of India he was subordinate to the Council of Pondichery.* In the contemplated expedition, however, against the English, Dupleix was very willing to give up the entire control of the operations to La Bourdonnais. He was mainly anxious to see that the operations themselves were well-matured, and he was naturally resolved to hold in his own hands the supreme political power. The correspondence between the two had been conducted, as we have seen, in the most cordial manner. Dupleix had declared that the honour of success would belong to La Bourdonnais; that he would use every effort in his power to contribute to that success. He had added: 'I shall esteem myself happy 'to have contributed to it by causes which will only 'derive merit from your conduct and its happy results, 'for which I am ardently desirous. I hope that my pre-'vious assurances, as well as this one, will convince you of the 'light in which I regard the question. I feel too much the 'importance of our union, not to give myself entirely to bring it 'about. Have no fears, therefore, on the score, but count on 'me as on yourself.'† La Bourdonnais had replied in similar terms: 'Be assured,' he wrote from the Malabar Coast on the 21st June, 'that my conduct will be guided as much as possible by your 'counsels. I burn with impatience to embrace you, and to con-'sult with you measures for repairing our losses.' There certainly seemed no reason why these two men should clash.

And yet there was seen here, what the world has seen so often since, an example of the extreme difficulty with which men of

* The order sent from Paris to La Bourdonnais in 1741 provided, that whilst under all circumstances he was to command on the seas, his control over the land forces, in any French settlement beyond the limits of the Isles, was dependent on the authority with which the local Councils might invest him. *Extrait des ordres du Ministre 16th Janvier* 1741. But the orders of 1745 were still less favourable to the independent action of La Bourdonnais. 'The Company considers' wrote the Controller-General to the Council of Pondichery on the 6th October 1745, 'that it is fit and 'proper that the Commandant of the squadron should be present in the 'superior Councils; that he should be summoned to them, when any mili-'tary expedition is discussed in which this officer is to take a principal part; 'that he should have a deliberative voice. But it requires also, that what-'ever matters may be deliberated, and whatever the result of the delibera-'tion, the opinion of the Council be carried out by him without obstacle 'or impediment, even though it should be a question of disposing of all 'the vessels of the Company which he commands." Reference to the bearing of these orders, at the time when they were received, will be found further on.

† Dated 23rd April, 1746, and received by La Bourdonnais at Mahé.

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action, accustomed to command,—to plan as well as to execute,—submit to a superior authority. They will obey, it is true, a man of acknowledged genius, in whose hands are vested irresponsible power. Thus Masséna and Ney, Soult and Souchet, acknowledged and obeyed genius and power, combined in the person of Napoleon. But away from the influence of his presence, Ney chafed and grumbled when placed under the orders of Masséna, and even Souchet, able as he was, refused to make a movement which would have given to the French army a great superiority over Lord Wellington, when, as a consequence of it, he would have been brought under the orders of Soult. Perhaps it was, at Pondichery in 1746, that La Bourdonnais, conscious of his own abilities, felt a revulsion which he could not control at being called upon to work under one, who was known to fame chiefly as a successful merchant and trader, and whose skill as a manager of men he had had no opportunity of testing. This is certain, that La Bourdonnais had not been long on shore before he began to adopt a line of conduct entirely inconsistent with his well-known character for enterprize, to show doubt, hesitation, and uncertainty, to refuse to move on an expedition without positive orders from the Council, of which, in virtue of his commission as Admiral, he was a member, to decline even to make an election of the two alternatives which were presented to him,—to go in search of the English fleet, or to sail at once for Madras.

The taking of Madras had been all along regarded by the two French leaders as the first fruits of a decisive victory at sea. A very few days after his arrival at Pondichery, La Bourdonnais addressed a lengthy letter to Dupleix on the subject of his plans, and he thus alluded to the project regarding Madras: 'At the time of our former squadron of 1741, you know 'what designs I had formed upon Madras. Encouraged by 'M. Dumas, to whom I had communicated my project, I 'begged him to communicate it to you, at the time of your 'installation. You approved of it, and made preparations which 'the continued peace rendered useless. Since the outbreak of 'war, persisting in my first design, I have imparted it to you, 'begging you at the same time to add to your former preparations, 'others to facilitate our success. * * * * My plan is to 'destroy or disperse the English squadron, if it be possible; 'the capture of Madras must result.'*

The reply of Dupleix was couched in the same spirit. 'Your idea regarding Madras,' he wrote,† 'is the only one

* Dated 17th July, 1746.
† Dated 20th July, 1746.

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'which can indemnify the Company for all its losses and 'expenses, restore the honour of the nation, and procure 'for this colony a more solid footing than hitherto. 'This enterprise is very easy, and your forces are more 'than sufficient to carry it out, but it cannot be attempt-'ed with safety, before the English squadron is destroyed 'or beaten.' As to the treatment of Madras, in case it should fall into his hands, La Bourdonnais had thus, on the 17th July, addressed the Governor-General: 'If fortune favours 'you,' he wrote, 'what do you think we ought to do with 'Madras? My idea is to take possession of and carry off all 'the merchandise we may find there, and to ransom the 'remainder; for if we should raze every stone in the town, it 'would be re-built in a year, and Madras would be much stronger 'than it is now.' The answer of Dupleix on this point deserves to be remembered. He replied, on the 20th June:—'I 'cannot say at present what it would seem good to do with 'Madras; if you should have the good fortune to take it, 'circumstances will decide as to the fittest course to be adopted. 'But I beg you to recollect, that so long as Madras remains as 'it is, Pondichery will languish and its commerce will fall 'off. It is not sufficient to think only of a present and, perhaps, 'an uncertain advantage; we must look forward to the future. 'I am not of the opinion that this town, once dismantled, could 'be restored in a year. It has taken very many years to make 'it what it now is, and the facilities and means for re-establish-'ing it are less than they were for making it.'

In the letter from which we have extracted, La Bourdonnais had given an exact statement of the condition of the armament of his fleet, and had requested Dupleix to supply from the arsenal of Pondichery the deficiencies under which he laboured. He had indented upon Dupleix altogether for forty-four eighteen, and for fourteen twelve pounders. It was not in the power of Dupleix to comply literally with this demand, without weakening, to a dangerous extent, the defences of Pondichery. But he supplied instead a larger number than were demanded. In place of forty-four guns of eighteen, and fourteen of twelve, he sent him, twenty-eight of eighteen, twelve of twelve, and twenty-two of eight, and offered to change those which were only slightly damaged. He accompanied this offer with an explanation so frank and courteous, that it seems surprising that his conduct in this respect should ever have been made the subject of animadversion.*

* After enumerating the necessity that Pondichery should be a strong place, under whose walls French vessels might always find a secure refuge,

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Yet notwithstanding the supply of guns, ammunition, provisions, and men,† La Bourdonnais could not make up his mind to set sail. The idea that the English fleet might keep out of sight until it were reinforced from Europe, and, that thus reinforced it might take him at a disadvantage when before Madras, seemed at first greatly to weigh upon him. To obviate this risk, and to draw the English within fighting distance, he proposed, on the 10th August, that a force should proceed to Cuddalore, twelve miles south of Pondichery, to attack Fort St. David, built by the English in its vicinity. If the English fleet were to bear up to assist that fort, he would then attack it; but if it should not, it would be a proof that it had been very severely handled in the former action, and he would have no difficulty in taking Fort St. David.‡

Against this plan, as an alternative to the long meditated attack upon Madras, Dupleix strongly protested. 'Cuddalore 'and Fort St. David,' he wrote on the 12th, 'are not worth the 'powder and shot you will expend upon them.' He pointed out that their capture would very probably range the Nawab on the side of the English, and that this would save Madras. 'The 'enterprise against Madras, 'he added,' is the only one which can

and alluding to the probable increase to their naval enemies by the chances of a war with Holland, Dupleix adds: 'This augmentation of 'enemies, the only thing we have to apprehend, ought to render me more 'circumspect with regard to a place so considerable; the safety of which 'depends entirely on others:' (the victorious course of the French fleet). 'A thousand mishaps, to which sea forces are subject, might disappoint this 'place for a long time of the guns you wish to take from it. The minister 'has given me orders to assist you, and I obey willingly orders so deserv-'ing of respect. But I cannot persuade myself that his intentions are 'that I should risk the safety of Pondichery, I believe, on the contrary, and 'I flatter myself that he will be better pleased, that I should not place it in 'jeopardy. Nevertheless, to act up to his orders and your demands, I am 'ready to make over to you twenty-eight eighteen pounders, twelve of twelve, 'and twenty-two of eight, and to change those which are but slightly 'damaged, and which, after being repaired, can be made serviceable. These 'guns will make a great gap, but the word of honour you give me to return 'them, and the moral certainty I feel of your victory over the enemy, 'permit me to take the step of dismantling the walls with less disquietude.' *M. Dupleix à M. de La Bourdonnais, 20th July* 1746.

† The reinforcements furnished by Pondichery consisted of 200 Europeans, 100 topasses or Indo-Portuguese, 300 sepoys, besides officers, in addition to lascars, as well as 170 sailors and 50 European soldiers belonging to the garrison already serving on the fleet.

‡ It is in this letter that La Bourdonnais informs Dupleix of the sickness caused on board his squadron, and from which he himself especially suffered, from drinking the water taken in at Pondichery. In his memoirs, he makes of this a charge against Dupleix, insinuating that it was a part of the general scheme to annoy him.

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'indemnify us, and do honour to the nation in India, and I 'cannot agree with you in your plan of abandoning that project 'for one which merits neither your attention nor mine, and of 'which the consequences will be costly and injurious to us.' He continued to urge upon him in a lengthened argument, that two principal objects had brought him to India,—the destruction of the English squadron, and the taking of Madras,—and that abandoning one of those, he ought to attach himself with his whole heart to the other. The day after this correspondence, La Bourdonnais took advantage of a favourable breeze to go in search of the English squadron. He arrived off Karical on the 13th August, and there obtained, with some difficulty, positive information of the enemy. They had been descried on the 10th, six vessels in number, a little to the north of the northernmost point of Ceylon, about fifteen miles off the coast. To the Dutch officer who boarded them they stated that they had been repulsed by the French, but that they were only waiting the arrival of reinforcements to renew the attack. All their damages had been repaired. Satisfied, then, as he stated, that he was free from all attack on that side, La Bourdonnais resolved to return at once to Pondichery, and, arriving there on the 19th, to embark the soldiers, sepoys, and other troops, awaiting him, and to proceed immediately with the grand design against Madras. He added in his letter, however, that his health was greatly enfeebled, and that not for all India would he stay on the coast after the 15th October, when the monsoon would set in. Instead, however, of acting upon this plan, which he had communicated to Dupleix through M. Paradis, the Commandant of the Pondichery garrison, who had been sent to confer with him, La Bourdonnais suddenly changed his mind and went in search of the English. He found them off Negapatam, and endeavoured to bring them to action. But though he hoisted Dutch colours to deceive them, they fled before him, he reported, in a manner that soon took them out of sight.* Thinking that they might return to Negapatam he waited there two days; but not meeting them, he again put out, and on the evening of the 25th, anchored off Pondichery.

This escape of the English and the uncertainty whither they had proceeded, completely changed the views of La Bourdonnais.

* Mr. Orme states that 'the English, perceiving the addition of cannon with which the enemy had been supplied at Pondichery, avoided an engagement.' Mr. Mill simply remarks that the English fled. Mr. Orme's reason would not, we think, be considered sufficient by any English Admiral of the present day. The English ships were mostly armed with 24 pounders, whereas the French had only taken on board twenty-eight 18 pounders, and others of smaller calibre.

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He who, on the 14th, when he knew the English fleet to be below Negapatam waiting for reinforcements, had declared his readinesss to proceed with the utmost haste to Madras, had become, on the 26th, after that fleet had sailed he knew not whither, hesitating and doubtful. He dwelt on the difference between commanding King's ships and vessels belonging to the Company. 'In the former', he said, 'one hazards every thing for glory, in the latter one must look to profit,' and he stated his opinion that his squadron was insufficient for the double task of attacking Madras, and beating off the English squadron reinforced by its expected ships. In this difficulty he appealed to the Superior Council for their advice.*

An extraordinary meeting of the Pondichery Council met to consider this appeal. There were present at it thirteen members, and they came to a very decided opinion. This was contained in a letter addressed to La Bourdonnais bearing the same date.† In this letter, after re-capitulating the preparations that had been made, the time that had been lost, the change in the opinions of the Admiral, they set before him the choice of two alternatives. Either, they said, you should go to Madras and attack it, or you should go and drive the English fleet from these seas. At present they are, they said, in a position in which they can intercept every vessel coming from Europe, whilst you are here, effecting nothing now, and talking of leaving us to the mercy of the English fleet in October. They concluded with these words: 'We are 'bound to add also that it would be shameful and disgraceful for 'the nation to abandon these two means, whilst we have a moral 'certainty that the treasure and the vessels which we expect from 'Europe will be taken by the enemy's squadron, and an equal 'certainty that you can succeed in one of the two. It is equally 'important not to render useless the strength of your squadron, 'and the money spent upon it. What reproaches will you not 'have to make yourself, if at the same time that you abandon 'the project which would serve to indemnify us, our enemies 'take possession of the vessels we are expecting from Europe, 'almost within sight of your squadron!'

It is strange,—the transformation which a forced subordination to authority can sometimes make in the entire character of a man. Who would have believed that the daring, energetic leader, who had 'conquered the impossible' at the islands, who had there made ships and sailors, and soldiers and guns, who had sailed across the ocean with his untried crews, and had met and

* M de La Bourdonnais à M. Dupleix, 26 Août 1746.
† Lettre du Conseil Superieur du 26 Août, 1746.

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scattered the war-ships of the enemy, that the man whose motto was action, should have suddenly so changed as to call forth an incitement to action couched in the terms we have just given? Yet we have seen in our own day how blind to all perceptions of right, how oblivious even of the ordinary obligations of politeness, how open to the malignant suggestions of whisperers and sycophants, wounded vanity will make even those, who, in other respects, soar far above the common run of their fellow-men. Up to the time of the despatch of that letter, Dupleix and the Council had met every requisition on the part of La Bourdonnais in the most obliging spirit. They had made over to him the particular officers he had asked for, of whom Paradis was one, all the stores, ammunition, and, as we have seen, all the guns they could spare. They had only pressed upon him to act. But the feeling that he was thus under control, that he, who had always impressed his own will upon all around him, should be subject to the will of another, had changed the heart and the blood of La Bourdonnais. The burden of all his letters was, that he could not attack Madras, because the English squadron had not been destroyed, that the English squadron had not been destroyed, because he could not bring it to action, and that he could not stay on the coast later than the 15th October. The meaning was that he would do nothing till then. Even the letter of the Superior Council failed to move him. Plain as were its terms, that he should either attack the English fleet or Madras, he had the boldness to declare that its contents prevented him from moving, because it did not prescribe precisely which of the two courses he was to adopt. Taking the letter in his hand, he declared publicly to all who would listen to him, that the Superior Council was the only obstacle to action on his part. This proceeding thoroughly roused Dupleix. He re-summoned the Council on the 27th, and put before it, for consideration, the course adopted by the Admiral.

The deliberations of the Council at this crisis were short, prompt, and to the point. They resolved to serve on La Bourdonnais a summons, calling upon him 'on the part of the King and the 'Company to make choice of one of the two plans which had been 'presented to him on the 26th,—the only plans we consider practi- 'cable, suitable to present circumstances, to the glory of the king, 'the honour of the nation, the interests of the Company, the force 'of his squadron, and the weakness of our enemies by sea and land; 'in default of doing this,—of the choice of which he is left master,— 'to be held responsible in his own name for all that may happen in 'consequence, as well as for all the expenses which his project 'on Madras, so long meditated and conducted to the point of

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'execution, has occasioned the Company. If hindered by sick-'ness from acting himself, as there is no time to lose and 'moments are precious, the Council consider M. de la Portebarré, 'of whom the capacity and prudence are known, to be very 'capable of executing whichever of the two plans he may select.'

The reply of La Bourdonnais was short: 'I have received,' he wrote, 'the citation and its contents. I consulted the Council of 'Pondichery only regarding the affair of Madras. It rested 'with it to give its opinion for or against that. As to the desti-'nation of my squadron, it has no right to interfere with it. I 'know what I ought to do, and my orders have been given for 'it to leave Pondichery this evening.'*

The fleet accordingly sailed under M. de Portebarré,† La Bourdonnais himself alone remaining behind on account of his sickness. The squadron sailing along the coast succeeded in capturing two small vessels in the Madras roads. It then returned to Pondichery. The health of La Bourdonnais, meanwhile, had improved, and his announced determination to attack Madras seems to have improved his relations with the Council. On the evening of the 12th, accordingly, he embarked to proceed on this long meditated enterprise. On the 14th, approaching the shore, twelve miles south of Madras, he landed 500 or 600 men, with two pieces of cannon. Sailing slowly, parallel with these troops, on the 15th, he arrived at midday within cannon shot of the town. He then landed with 1,000 or 1,100 Europeans, 400 sepoys, and 300 or 400 Africans, and summoned the place to surrender. He had still from 17 to 1,800 men on board his squadron.

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* A Messieurs du Conseil Superieur de Pondichery, 27 Août, 1746.

† Mr Mill states, that Dupleix carried his 'unfriendly proceeding' so far as to command La Bourdonnais to 're-land the Pondichery troops.' It is very true that on the 27th August, knowing only, by the reply of La Bourdonnais to the citation, that the fleet was to leave, but ignorant of the direction it was to take, or the object on which it was to be employed, Dupleix directed the re-landing of 250 soldiers and 100 topasses with their officers, assigning the following as a reason: 'The distance which 'your squadron may find itself from this place by some event which 'God alone can foresee, and *these troops being useless in your vessels*, 'I beg you to disembark the troops above referred to, in order that I 'may be in a condition to answer to the king for the place which he has 'confided to me, &c.' But it is not less true that on receiving in reply from La Bourdonnais a letter of the same date, informing him of the destination of the squadron, that it was 'to sweep the Madras roads,' and that it would not be absent for more than eight or ten days, he withdrew from the squadron only 125 Europeans and 50 sepoys, retaining these for the defence of Pondichery.

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Fort St. George, and the town of Madras, of which it formed the defence, had been built upon a plot of ground, which the last of the Hindoo rulers of Bijianugger had made over to the English in 1639. Fourteen years later, the little settlement had been raised to the rank of a Presidency, and it constituted for a long time afterwards the principal emporium of the English in India. It was not very well situated for that purpose. On a bluff point of the coast, where the current was always rapid, and exposed to all the violence of the monsoon, and the inconvenience of a surf which made navigation for English boats impossible, it would have been difficult to find a position less adapted for commercial purposes than Madras. The roadstead was dangerous during some months of the year, especially from October to January, so much so, that on the appearance of any thing approaching to a gale during those months, vessels were forced to slip their anchors, and run out to sea. Nor did the fertility of the neighbouring country compensate for these disadvantages. The soil was hard, dry, and barren; the population poor and sparse. In those days, however, it was apparently the custom of the different European nations to select, as their settlements, points on the coast in as close a contiguity to one another as was possible. And the situation of Madras probably owed its value in the eyes of Mr. Day, the English merchant who negotiated for the land, to the fact that it was but four miles from the Portuguese settlement of St. Thomé.

But notwithstanding its unfavourable situation, the industry and enterprise of English settlers soon brought prosperity to Madras. In 1687, the native population, attracted thither by the protection and the opportunities of traffic they enjoyed under the English flag, amounted to 3,00,000, and the revenue, derivable from taxation, was estimated, nine years later, at about 1,60,000 Rupees, equal, allowing for the probable increase of population during that period, to a capitation tax of eight annas. In 1696, Mr. Thomas Pitt, the grandfather of the great Commoner and possessor of the famous Pitt diamond, became Governor, and held the office for eleven years. It was during his administration that Madras first came into hostile contact with the native princes of the country. Daood Khan, Nawab of the Carnatic under the Emperor Aurungzebe,—a chief noted for his fondness for the strong waters of Europe,—made a sudden demand upon Mr. Pitt, (1702,) for ten thousand pagodas, about forty thousand Rupees. Mr. Pitt endeavoured by civilities and sumptuous entertainments to amuse the Nawab into forgetfulness of his demand. But if Daood Khan loved cordials much, he loved rupees even more. Finding his requests evaded,

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he subjected Fort St. George to a strict blockade, cut off all supplies from the country, seized all the goods coming into the place, and only raised the siege when Mr. Pitt consented unwillingly to a compromise. In addition to Madras, and subordinate to it, the English possessed at this time, on the Coromandel coast, the settlement of Fort St. David, close to Cuddalore, sixteen miles south of Pondichery, and the factories of Porto Novo, Pettipolee, Masulipatam, Modapollam, and Vizagapatam. It does not appear that the history of Madras was marked by any other incidents of importance till the period of which we are treating. In the year 1744, Mr. Nicholas Morse was appointed Governor of Fort St. George. Morse was an old Company's merchant, ignorant of politics, caring little for them, a quiet, easy-going, useless sort of man, who ever carried out, with a literal obedience, and regardless of any changes that might have occurred in the interval, the orders of his masters in England. Thus it was, that when shortly after his accession to office, he received overtures from Dupleix to preserve neutrality in India during the coming war, Governor Morse, well-convinced, all the time, of the wisdom of the measure, excused himself from entertaining it, on the ground of the instructions he had received from the Company.

We have seen how little these instructions had availed the English. With the command of the seas, when the war broke out, they had, nevertheless, been prevented by the interest of M. Dupleix with the Nawab Anwaroodeen, from profiting to the full extent from their advantage. A positive prohibition had been placed upon them with reference to the French settlements on the coast, and they had been compelled to confine their operations to the capture of stray merchant-men on the seas. The Court of Directors, deeming themselves secure of conquest, had never contemplated the possibility of Madras being in danger. They had, therefore, altogether neglected to supply soldiers for its defence; nor does it appear that the contingency of defence being necessary ever presented itself to Governor Morse. When, therefore, the news in quick succession reached Fort St. George, that La Bourdonnais' squadron had left the Isle of France, that it had engaged and repulsed the English squadron off Negapatam, that it had arrived at Pondichery, and was making preparations for an attack upon Madras itself, the surprise and consternation which prevailed amongst its residents may perhaps be imagined. The defences of Fort St. George were certainly not very formidable. The Fort itself was an oblong, four hundred yards by one hundred, surrounded by a slender wall, defended by four bastions and four batteries, very slight and defective in their construction, and with no outworks to defend them. The English

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garrison consisted of three hundred men, of whom thirty-four were Portuguese vagabonds, deserters, or negroes; sixty were sick and ineffective, and only two hundred fit for duty. The officers were three lieutenants, two of whom were foreigners, and seven ensigns who had risen from the ranks*.

In his extremity, Governor Morse applied to the Nawab of the Carnatic. It will be recollected that when this nobleman had forbidden the exercise of hostilities by the English against any place in the possession of the French on the Coromandel coast, he had accompanied his order by a promise, that should the French at any future time obtain the superiority, he would place similar restrictions upon them. The event, which had then seemed so improbable as to be impossible, had now happened. The French were preparing to attack the English settlements on the Coromandel coast. Governor Morse, therefore, claimed at once the interference of the Nawab.

It cannot be supposed that a man possessing the Indian experience of Governor Morse was unacquainted with the formalities necessary for approaching an Indian ruler. It is, nevertheless, certain, that he managed the mission to the Nawab,—a mission, on which the very existence of the English at Madras seemed to depend,—in such a manner as to militate very much against its chances of success. It is a time-honoured custom in Eastern Courts that an envoy should never go into the presence of the Prince to whom he is accredited empty-handed. Whether the custom is good or bad is not the question. It is a custom; the form of which is kept up by the English even in the present day; to neglect it, in the days of which we are writing, was regarded as nothing less than an insult. But Governor Morse, in his blunt English way, as though he had been dealing with his own countrymen, did neglect this precaution. He sent his messenger empty-handed into the presence of the Nawab, bluntly to remind him of his promise, to claim for the English that protection which he had so recently accorded to the French messenger, well-provided with presents, and to beg the Nawab's permission to punish his rivals. It thus happened that, when the English messenger arrived, he found the Nawab apparently undecided, and though that nobleman declined to give any formal permssion to the French to attack Madras, he refrained, equally to their advantage, from giving utterance to a direct prohibition.

Governor Morse was under the influence of the disappointment attending his negotiations with the Nawab, when, on the 29th August, the fleet of La Bourdonnais appeared in the

* East India Chronicle.

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roadstead. The unskilful manner in which the squadron was handled made it evident, however, to the garrison of Fort St. George, that the famous Admiral who had brought the ships from the Isle of France was not with them.* Seeing nothing of the English fleet, and finding the way open, the officer commanding the squadron, M. de Portebarré, contented himself, as we have seen, with making prize of two merchantmen he found on the roadstead, and then returned on the 5th September to Pondichery. Eight days after, La Bourdonnais embarked, and arriving before Madras on the 15th, summoned it, as already recorded, to surrender.

Up to this point, Governor Morse had been partially sustained by the hope, that Commodore Peyton would yet be prepared to strike a blow for the preservation of the principal English settlement on the Coromandel coast. But these hopes were destined to be disappointed. Almost simultaneously with the arrival of the French fleet, he received the disheartening intelligence, that the Commodore with all his ships had appeared on the 3rd September off Pulicat, and had then borne up for Bengal. That leaky sixty gun-ship was again assigned as the reason for the desertion of Madras, the excuse for avoiding a trial of strength with the battered squadron of La Bourdonnais.

Meanwhile, La Bourdonnais, having landed his troops on the 15th, prepared, on the evening of that day and during the 16th, to erect batteries which should play upon the town. On the 17th, the native portion of the garrison made a sortie, but they were easily repulsed, and the French, following up their success, took possession of the Governor's house,—about half-musket range from the walls of the town,—and fortified themselves in it. On the 18th, early in the morning, they commenced the bombardment from their land batteries, and as soon as night fell, the three vessels of the squadron possessing the strongest armament opened fire on the town. A circumstance occurred in the course of the night of the 18th, which shows how easy it would have been for Commodore Peyton, commanding as he did a squadron which sailed better than that of the French, to have saved Madras. On the 17th September, four ships were sighted off Pondichery. Dupleix conceiving they might be part of the English squadron, wrote off hurriedly to La Bourdonnais with the information. To him this was most startling. Had it been true, it would have been but a confirmation of the views which he had so often pressed upon Dupleix, that to attempt the siege of Madras before the English fleet had been destroyed, was

* Orme, I. 66.

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the height of rashness. He himself declares that he felt, under these circumstances, that but one path lay before him, and that was to push the siege with the utmost vigour. Mr. Orme, indeed, asserts, though upon what authority we know not, that 'the report caused so much alarm in the French camp, that 'they were preparing to re-ship their heavy cannon.' However this may have been, this at least is certain, that had Commodore Peyton borne up at that moment for Madras, and attacked the half manned French fleet in the roadstead, he would have inflicted upon it very great damage, even if he had not compelled the raising of the siege.

But on the morning of the 19th, an express arrived from Dupleix, stating that the information regarding the strange ships was incorrect. Relieved on this point, yet not knowing how soon a hostile squadron might appear, La Bourdonnais pushed the siege with vigour, and with such effect, that in the evening he received a letter from Mrs. Barneval, the daughter of Madame Dupleix, and married to an English gentleman in Madras, offering on the part of Governor Morse to treat.

The reply of the French Commander being favourable to such a course, Messrs. Monson and Hallyburton presented themselves on the following morning in the French camp. They proposed to enter into negotiations to pay a certain sum to induce La Bourdonnais to retire from before the town. This, however, in unmistakeable terms, the Frenchman refused, and the deputies returned to demand fresh instructions from the Governor. On the departure of the deputies, the fire re-commenced, and continued till 3 o'clock. Between that hour and 8 o'clock in the evening, however, no one appeared on the part of the English, except a foreigner in the service of the Nawab, without powers or authority to negotiate. At 8 o'clock, therefore, La Bourdonnais re-opened the fire, and maintained it throughout the night both from the land batteries and the ships. The re-appearance of the English deputies on the following morning caused it to cease.*

This time, these latter were armed with full powers to capitulate. After some discussions, they agreed to the conditions, of which the following are a free summary.—They agreed, first, to make over to M. de La Bourdonnais at 2 P. M. on that day, the 21st September, Fort St. George and the town of Madras with their dependencies. All the garrison, and generally all the English in the town, to become prisoners of war. All the

* The French did not lose a single man in the siege: the English only five. *Grose's East Indies.*

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councillors, officers, employés, and other gentlemen in the service of the Company to be free on their parole, to go and to come as they wished, even to Europe; provided only they did not carry arms against France, offensively or defensively, without being exchanged.

The articles of the capitulation having been signed, it was arranged that those regarding the ransom of the place should be regulated in a friendly way by M. de La Bourdonnais, the Governor, or his deputies, the two last engaging on their part to deliver faithfully to the French the goods and merchandises received or receivable from merchants, the books of account, the arsenals, ships, provisions of war and supplies, together with all the property appertaining to the English Company, without reserve; besides materials of gold or silver, merchandises, goods, and any other effects whatever, contained in the fort or town, to whomsoever they might belong, without exception.

The garrison was to be conducted to Fort St. David, as prisoners of war. But should the town of Madras be ransomed and restored, the garrison might be allowed to re-occupy it, as a means of defence against the natives. But in this case, an equal number of French prisoners, (made elsewhere), were to be restored to the French.

The sailors were to be sent to Cuddalore, and their exchange begun with those actually in Pondichery, the remainder to proceed in their own ships to England. But they might not carry arms against France until regularly exchanged, either in India or in Europe.

On the same day that this capitulation was signed, La Bourdonnais wrote a few hurried lines to Dupleix. His first letter, dated 2 P. M. on the 21st, simply states that he had just entered Madras at the head of 500 men, and that the white flag had been hoisted on the ramparts. The second, dated 8 P. M. of the same day, is more important, as shewing the view which La Bourdonnais entertained at the time, regarding the conditions he had granted. In this he says,—'The haste with which I informed you of the taking 'of Madras, did not allow me to enter into any detail; I was 'too much occupied in relieving the posts of this place. 'The English surrendered to me with even more precipitation 'than I wrote you. I have them at my discretion, and the 'capitulation which they signed has been left with me, without 'their having dreamt of demanding a duplicate.'

Two days later, the 23rd, he wrote a long report, in which he discussed the whole question of the future. This letter began thus: "At last, Madras is in French hands. The

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'conditions on which it surrendered, place it, so to say, at 'my discretion. There is, nevertheless, a sort of capitulation 'signed by the Governor, of which I subjoin a copy; but it 'does no more, as you will see, than authorize me to dispose 'of the place.'

It would appear from these extracts, and from the tenor of the capitulation itself, that Madras had surrendered at discretion; that the town, the fort, and everything belonging thereto, had become absolutely French property. It is equally clear that there had been some discussion between La Bourdonnais and the English deputies regarding a ransom, but that it was finally resolved to leave this question for future adjustment.*

* La Bourdonnais thus describes in his memoirs the engagement he entered into regarding the ransom. 'The next day, the 21st, the deputies returned 'for the second time, and agreed at last to surrender on the conditions 'which had been proposed to them the previous evening, that is to say, 'on the condition of being permitted to ransom the town. Immediately 'the articles of capitulation were written out, Mr. Hallyburton took them to 'the Governor, who, having examined them, sent them back by the same Mr. 'Hallyburton, with orders to represent to M. de La Bourdonnais, that 'neither the Governor nor the Council ought to be regarded as prisoners 'of war, so long as the question of the conditions of ransom should be 'under consideration. Upon this representation, M. de La Bourdonnais, who 'wished the Governor and his Council to remain prisoners of war, until 'these conditions should be agreed upon, contented himself with assuring 'the deputies, that he would give an act of liberty to the Council and the 'Governor, as soon as they should agree with him regarding the ransom. 'The deputies having then demanded that this proposition should be 'inserted in the capitulation, M. de La Bourdonnais consented, and it was 'made an article. The deputies then took back the capitulation to the 'Governor, who signed it. In bringing it back again, they asked M. de La 'Bourdonnais for his parole, as an addition to the promise regarding the 'ransom. 'Yes, gentlemen,' replied he, 'I renew to you the promise I made 'you yesterday to restore to you your town, on condition of a ransom 'which we will settle in a friendly way, and to be reasonable regarding the 'conditions.' 'You give us then your word of honour,' answered the 'deputies. 'Yes,' said he, 'I give it you, and you may be assured that it is 'inviolable.' Very well,' replied the two Englishmen, 'here then is the capitu-'lation signed by the Governor, you are now master of the town, and you 'can enter it when you like.'

It must always be borne in mind, however, when reading the memoirs of La Bourdonnais, *1stly*, that they were written some time after the events described, and *2ndly*, that they were written with the view of exculpating himself from specific charges brought against him. Now, the question of the ransom, and especially the question, as to whether any absolute engagement was entered into at the time of the surrender, formed one of these specific charges. On such a point, therefore, it is necessary to read La Bourdonnais' own statement with the greatest caution. The official correspondence is a far surer guide. Let us see what that says. We have given all that relates to the proceeding relative to the surrender, in the text. From this

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Meanwhile, the intelligence had reached the Nawab Anwaroodeen, that the French had really carried out their intentions, and had laid siege to Madras. Inclined as this prince undoubtedly was to French interests, nothing was further from his intention than to permit their establishing themselves on the territories of their European rivals. He, therefore, at once despatched a messenger on a swift dromedary to Dupleix, the bearer of a letter, in which the Nawab expressed his surprise at the events passing at Madras, and threatened that unless the operations against that place were instantly put an end to, he would send an army to enforce obedience to his commands. But Dupleix thoroughly understood Asiatics. Determined not to forego his designs on Madras, yet unwilling to bring down upon himself the hostility of the representative of the Mogul, he devised a plan whereby, as he thought, Madras would be lost to the English for ever, even if it were not gained to the French. In accordance with this idea, he sent instant instructions to his agent at Arcot, to inform the Nawab that he was conquering Madras for him, and that it was his intention to make it over to him on its surrender.

Well acquainted with the vague ideas regarding the ransom of Madras, to which La Bourdonnais had given utterance in previous correspondence, it became imperatively necessary for Dupleix to make known to that officer the engagement into which he had just entered. At 8 P. M., on the evening of the 21st, therefore, he despatched to him a special messenger conveying a letter, in which La Bourdonnais was informed of the negotiation with the Nawab, and was specially warned to entertain

we find, first, that no mention is made of any promise regarding a ransom. In the letter dated 8 P. M. of the 21st, written only six hours after the interview he describes above, La Bourdonnais says,—'The English surrendered to me with even more precipitation than I wrote you. I have 'them at discretion.' Not a word about ransom. In the more elaborate letter written two days later he writes,—"The conditions on which it 'surrendered, place it, so to say, at my discretion. There is, nevertheless, 'a sort of capitulation signed by the Governor, of which I enclose a copy; '*but it does no more, as you will see, than authorise me to dispose of the* '*place.*' Again, not a word of the solemn and reiterated promises recorded at such full detail in the memoirs!

If, further, we examine the capitulation itself, we shall find everything conditional. There had undoubtedly been some discussion regarding a ransom, but the question had been referred for further deliberation; that it was a doubtful one is, we think, shown by the words employed in the fourth article, in which it is stated, that 'if the town is restored by ransom, then 'the English, &c., &c.'

However this may be, it is certain that there was no occasion for La Bourdonnais to make such an offer, Madras being completely at his mercy; and, likewise, that it was entirely opposed to the views to which he knew that Dupleix, his superior officer on Indian soil, entertained.

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no proposals for the ransom of Madras after its capture, 'as to 'do so, would be to deceive the Nawab, and make him join our 'enemies.'*

This letter reached Madras on the night of the 23rd. Before its arrival La Bourdonnais had, as we have seen, sent to Dupleix a copy of the capitulation, together with a long letter in which he entered fully into the subject of the reasons by which he had been actuated. Three courses he stated were before him. He might either make Madras a French colony; he might raze it to the ground, or he might treat regarding its ransom. † The first he did not consider advisable, because it was not, in his opinion, for the interests of the Company, that they should have on the same coast, and in close vicinity to one another, two rival establishments. He added: 'by the first orders received from the 'Minister, I was forbidden to keep any conquests:‡ it is

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* The perusal of this letter, will leave no doubt on the reader's mind of the sincerity of Dupleix's negotiations with Anwaroodeen. He writes:—'I 'have informed the Nawab through my agent at Arcot, that as soon as we 'are masters of the town of Madras, we will make it over to him, it being 'well understood, in the state in which we may think fit,' meaning, he would first raze the fortifications. He adds,—'This information ought to 'determine you to press the siege vigorously, and *not to listen to any 'propositions which may be made you for the ransom of the place after its 'capture, as that would be to deceive the Nawab and make him join our 'enemies;* besides, once masters of the place, I do not see with what the 'English will be able to ransom it. So long, too, as Madras remains as it 'is, it will always be an obstacle to the increase of this place. I beg you to 'weigh well these considerations.'

Dupleix to La Bourdonnais, dated, Pondichery, 21st September, 1746, 8 P. M.

† The fact that, in this letter, which accompained the capitulation, La Bourdonnais expressly considers himself at liberty to decide upon one of the three courses indicated, two of which would have rendered the ransom of the place impossible, proves conclusively that up to the 3rd, he had entered into no binding engagements to ransom Madras, and that the story related in his memoirs was manufactured afterwards.

‡ As this is the only place in the entire correspondence in which La Bourdonnais alludes to the prohibition on the part of the French Ministry to keep any town or settlement conquered from the enemy, and as, nevertheless, he uses it in his memoirs as a principal justification of his conduct; as, moreover, Mr. Orme, Mr. Mill, and other writers of Indian history down to the latest, Mr. Marshman, have adopted without examination the assertions of La Bourdonnais on this point, it becomes necessary to subject those assertions to the test of critical enquiry.

It is perfectly true that the French Ministry had sent to La Bourdonnais an order, prohibiting him 'from taking possession of any settlement or 'comptoir of the enemy for the purpose of keeping it;' but even independently of the circumstance that such an order did not render necessary the restoration of the captured place to the enemy, it is a fact that this order bore no reference to the campaign in which La Bourdonnais was engaged in

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'certain that at the peace, the surrender of this place would form 'one of the articles of the treaty, the king will restore it, and 'the Company will have no advantage from it.'

Against the second plan, the destruction of the place, he argued, that it would be impossible to prevent the English from establishing on the coast some other emporium equally fit for their purpose, and at a less expense than they would now willingly pay for the ransom of Madras. He then added that his opinion was strongly in favour of that plan, and that there would be no difficulty in carrying it out, as Governor Morse was ready to

1746. It is true, that in his memoirs, he places it among other orders issued in 1745 and 1746, to all of which the date is attached, but he has curiously omitted to assign any date to this one. The fact is, it was issued in 1741, at a time when La Bourdonnais had just been placed at the head of a combined fleet of King's and Company's ships to cruise in the Eastern seas, the moment hostilities should break out. But even, under those circumstances, it was not intended to be prohibitory in its action. As Professor H. H Wilson justly remarks:—(Wilson's Mill, Vol. III., page 49, *Note*). 'The 'letter to the proprietors explains the purport of M. La Bourdonnais' instruc-'tions more correctly (than Mr. Mill had stated). He was not to form any 'new settlement, and the only alternatives in his power with regard to 'Madras were to restore or destroy it. The object of the French East India 'Company was to improve their existing settlements, at least, before new 'ones were established.' Thus, even when originally issued, the real purport of the order was very different from that which La Bourdonnais assigned to it. But the circumstances of 1746 were far different from those of 1741. In 1746, he was acting on territory, which the moment it became French by conquest, fell at once under the sway of the Governor-General of French India. It was clearly beyond his authority to maintain, that because, when conducting an independent cruise five years before, he had been restrained from making conquests that were to be permanent, he was, therefore, restricted from carrying out then the instructions of one who had supreme authority on all Indian soil that had become or that might become French. The following extract from the commission borne by Dupleix shows very clearly that his powers were of that extensive nature. He was nomimated 'Governor of the town and 'Fort of Poudichery, and of the places subordinate to it, President of the 'Superior Council, to command there, not only the inhabitants of the 'said places, the clerks of the Company who and other inhabitants established 'there, but all Frenchmen and foreigners who may establish themselves 'there hereafter, of whatsoever quality they may be; likewise all officers, 'soldiers, and *gens de guerre* who may be there, or in garrison.' Further he 'was ordered 'to do generally whatever he might consider proper for the 'preservation of the said *comptoirs* and commerce, and the glory of our name, 'and to be entitled for the said charge to the accustomed honours, authority, 'pre-eminence, and prerogative, and to all the appointments ordered by the 'Company.' Further, all the officers and servants of the Crown and clerks of 'the Company were ordered to recognise the said Sieur Dupleix in the said 'quality of Governor and President of the Superior Council, and to obey him, 'without contravention in any sort or manner on pain of disobedience.' The orders of October 1745 were even more categorical in their assertion of the supreme authority of the Governor of Pondichery on Indian soil.

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give bills on England for the amount demanded, and to make over eight or ten hostages till payment had been made. This letter, with the capitulation accompanying, was sent to Pondichery by M. Paradis, the commandant of the Pondichery contingent. On the following day, La Bourdonnais wrote a short note to Dupleix summarising his arguments, and begging that he might be furnished with the ideas of the Governor General as to the manner in which Madras should be treated;* and on the 25th, he sent a formal reply to a letter he had received from the Superior Council of Pondichery thanking him in the name of the nation for the difficulties, the cares, the labours, the fatigues, he had experienced and overcome,—which contained this remarkable expression: 'I have received the 'gracious letter you have done in the honour to write me on 'the subject of the taking of Madras; after the thanks you 'have to render on that account to the God of armies, it is M. 'Dupleix who deserves your gratitude. His activity, his attentive 'care in supplying me with all that I needed for the siege, were 'the chief causes of its success.'

We have thus alluded in detail to the course pursued by La Bourdonnais after the taking of Madras, in order that no doubt might exist in the mind of the candid reader, as to the actual occurrences of that much canvassed period. We think it is clear, 1*stly*, that La Bourdonnais had, as commander of the expedition, no right to conclude any definitive treaty with the English, without the consent of the Governor General of French India; 2*ndly*, that up to the 25th September, the fifth day after the capitulation, no such definitive treaty had been entered into, although there had been some conversation regarding a ransom; and 3*rdly*, that, up to that date, the feelings of La Bourdonnais, gratified by success, had been most friendly towards the Pondichery authorities. He had even gone out of his way, as we have seen, in a letter to the Superior Council, to render justice to Dupleix.

We have now to refer to that action on the part of Dupleix and the Pondichery Council, which changed that friendly feeling into one of fierce and bitter hostility, ruinous alike to the cause and to the leader. But before doing this, we must examine at some length the motives which influenced Dupleix in the responsible position which he occupied, in deciding upon his course of action.

* Dated, 24th September, 1746. The actual words were, 'Faites moi donc, 'Monsieur, un plan suivi de la façon dont vous pensez que je doive traiter 'cette ville:' a request, which shows very plainly that no positive engage- 'ments to ransom the town had been entered into on the 21st.

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There can be no doubt but that at this period, the main object of the policy of Dupleix was the expulsion of the English from the Coromandel Coast. The experience of the three preceding years had taught him that the safety of the one European power could only be assured by the expulsion of the other. It had tasked all his energies, he had had to draw upon all his resources, to preserve Pondichery from the dangers which had threatened it in 1744. But for the prohibition given by the Nawab Anwaroodeen, the French settlements must then have been destroyed. But that was a reed upon which it would not be wise to lean for ever. The successor of Anwaroodeen might not be animated by the same sentiments; another incursion of the Mahrattas might render powerless the representative of the Mogul; or anarchy might again prevail, as it so recently had prevailed, throughout the Carnatic. That he could not depend upon the French Ministry, or on the Directors of the French Company, the events of the last few years had fully convinced him. With a three years' warning of the hostilities that were pending, the men who governed French India in Paris had literally starved their most important dependency. They had sent it neither ships of war, nor money, nor even good intelligence. Hesitatingly and fearfully they had despatched two merchant vessels in as many years, with most inadequate supplies. Nay more, when another enterprising Governor had proposed a plan, whereby, at the smallest amount of risk, the ascendancy of France in the East could have been secured, and had wrung from the aged Minister an assent, they had taken the earliest opportunity to cancel the scheme, and had deprived the Governor of the means by which he had hoped to carry it into execution.

From France then Dupleix had little to hope. On the other hand he beheld England thirsting to destroy him, England strong in the energy of her sons, the resources of the Indian Company, and, more than all, in her comparative good Government. He had seen that in the year which was now going on, England had acted as La Bourdonnais had proposed to act, and had thereby reaped the most important results. That stroke on the part of England, but for the interference of the Nawab, would have destroyed him. The superior energy and good direction of the England of the eighteenth century over the France of Louis XV., could not then have failed to impress him with the belief, that, in all probablity, an opportunity would be afforded to the English of renewing the attempt under more favourable conditions.

What then formed his chance of success at such a conjuncture? Surely there was but one. It was to adopt that policy, even

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then consecrated by genius, the policy of Alexander, of Hannibal, of Gustavus,—to carry the war into the enemy's country, and to use the means, which had been so wonderfully, so unexpectedly, placed at his disposal, to crush him at once and for ever. Madras once in his hands, Fort St. David could scarcely hold out, and then, secure of the Coromandel Coast, it might be possible to despatch a fleet to Bengal, to destroy the settlement which had rivalled, and was now threatening to surpass, his own tenderly nursed settlement of Chandernagore.

Such being his views, his mortification may be well conceived, when he learned that notwithstanding his previous warnings, notwithstanding the positive arrangement he had made with the Nàwab, La Bourdonnais was still harping upon the ransom of the place which he had conquered. The result of this he felt could only be, that the moment the English fleet should recover its former superiority in the Indian seas,—an event daily dreaded alike by Dupleix and La Bourdonnais,—an attempt would promptly be made to subject Pondichery to the fate of Madras, an attempt of which, if successful, the English would undoubtedly take the fullest advantage.

Impressed with these ideas, he wrote on the 25th September a letter to La Bourdonnais, in which, whilst reminding him that according to the orders of the Minister, he was subject to the authority of the Superior Council of Pondichery, he pressed upon him the necessity of abandoning all notion of a ransom. 'The 'ransom which you are thinking of demanding from Madras', he said, 'is only a momentary, and, at the most, an uncertain 'advantage. All the hostages which you may have will not 'bind the English Company to accept the bills which the 'Governor may give you, and he, now a prisoner, will probably 'say that he has acted under compulsion to procure his freedom, 'and the Company will say the same.' The same post conveyed to La Bourdonnais an official letter from the Superior Council on the same subject.

This letter, and the tone of superiority which pervaded it, seem to have decided the action of La Bourdonnais. It would appear that up to, and during, the 26th September, he had been engaged in discussing with Governor Morse and the English deputies the terms of ransom. On the morning of the 26th, he wrote to Dupleix to state that he had almost agreed with Mr. Morse regarding the conditions; that there remained only a few slight differences to adjust, and to arrange the terms of payment. But during the 26th, he received from Dupleix not only the letters to which we have alluded, but another from the Council, dated the 24th, in which he was informed that Messrs. Dulaurent

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and Barthélemy would arrive that day from Madras, to congratulate him on his success, and to form with M. M. Desprémesnil, Bonneau, Desforges, and Paradis,—all Pondichery men, a Council, over which he was to preside. Instantly his part was taken. He states in his memoirs that from that moment he could not doubt the views of Dupleix; that he saw that he was resolved to be master of Madras and of the ships, to dispose of all as he wished. The assumption of such superiority he resolved at once to dispute.

Although the ransom-treaty was not then signed, he wrote to Dupleix as though it had been: 'I wish with all my heart,' he said, 'that the deputies had arrived five or six hours earlier; 'there would have been time then to inform them of all that passed 'between the English Governor and myself. But all had been 'concluded at the time of their arrival.' He added: 'if nevertheless 'these gentlemen wish to employ themselves during their stay 'in this town, I will find them employment.' At the same time he addressed the Council, taking up high ground; acknowledging that all the then French establishments in India were under the Governor General of Pondichery, he claimed the right of disposing of Madras, because he had conquered it. He disavowed, in fact, all subordination to Pondichery. The next morning he put the seal to his declarations, by sending to Madras the copy of an unsigned convention with Governor Morse, by which he bound himself to restore Madras to the English on receiving bills for 1,1,00,000, pagodas, payable at certain dates not very distant.*

Then ensued between the two men, a contest injurious to the cause which they had equally at heart, to the country to which they belonged, and fatal in its result to the fortunes of one of them. Dupleix feeling that this restoration of Madras was in effect to leave Pondichery open to attack, the moment La Bourdonnais and his squadron should have sailed to the islands, determined to maintain the authority which the King and the Company had conferred upon him. La Bourdonnais, on his side, unwilling to submit to any authority, and impatient of all control, declared that the Minister having left to him, as Admiral, the sole conduct of his operations, he was even on Indian soil independent of the Government of Pondichery. Admitting that the phrase, 'master of his operations,' used by the French Minister to La Bourdonnais, seemed to convey to him an independent

* Equal to four lakhs and forty thousand rupees. The terms were 500,000 pagodas, payable in Europe at six months' sight, in five letters of exchange of 1,00,000 each; and 6,00,000 in three equal payments of 2,00,000 pagodas each, the first payment to be made one month, and the second one year after the arrival of the ships from Europe.

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authority, it was manifest that it could never have been the intention of the French Government thus to establish a second supreme authority, an *imperium in imperio*, within a few miles of the seat of their Government. Yet, La Bourdonnais cared little for such considerations. Although, before starting on this expedition from Pondichery, he had carried his recognition of the authority of the Council to such an extent as to refuse to act without a positive order from them; he now, when the victory had been achieved, and when he was required by them to carry out their instructions, as emanating from an authority paramount to his own, daringly disavowed his subordination, and refused to recognize their supremacy.

It may not be out of place to enquire here, what it really was, what was the motive reason that prompted him to this insubordination, to this sacrifice of the best interests of his country. Was it solely because he deemed his own policy to be the correct policy? That could hardly be. No one had felt more strongly than La Bourdonnais, that it would be impossible for him to remain on that coast with any degree of safety, later than the first month in October. His plan had been to send two or three of his ships to winter at Acheen, and to bear up with the remainder, laden with cargoes, for the islands *en route* to France. Yet, it was not once or twice, but many times, that Dupleix had explained to him, that, under those circumstances, Pondichery would be in the greatest danger. Unprotected by a squadron, having incurred the wrath of the Nawab, and invited the retaliation of the English, nothing but the return of La Bourdonnais in the spring, with an overwhelming force, could have long saved the French capital, situated as it was between two English settlements,—Fort St. George and Fort St. David,—from capture. The ransom of Madras, then, not for cash, but for bills of exchange not then accepted, with the vision looming in the future of that Madras shortly being in a position to demand a ransom from Pondichery, could not have seemed, even to La Bourdonnais, a sound policy for France.

But there is another light in which it is necessary to regard the transaction. Let us enquire whether, though it was not a sound policy for France, it did not seem a sound policy for the private interests of La Bourdonnais. And here we meet with some revelations which cannot fail to startle. We have seen in the course of the preceding narrative, that during the six days from the 21st to the 25th September, a negotiation had been going on between La Bourdonnais and Governor Morse, as to the amount and the terms of the ransom. But besides the question of public ransom for Madras, there was the other, perhaps equally

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weighty question, of private present to La Bourdonnais. That he did receive * a considerable present is apparently undeniable, and, though such a transaction accorded with the customs of India in those early days, this acceptance of money must, in almost every case, have considerably influenced the conduct of those who

* It was charged against La Bourdonnais in his life time, that he had accepted a present from the English of 1,00,000 pagodas (about four lakhs of rupees) as the price of the ransom-treaty made with the English.

The charge was brought forward separately by M. Desprémesnil and M. Kerjean. The first said, that he had heard M. Dupleix affirm that an Englishman had told him that 1,00,000 pagodas had been given to La Bourdonnais for the ransom. He added that he had done his best to ascertain the truth of the fact, but had been able to learn nothing.

The second, M. Kerjean, asserted, that he had heard a Jew, retired to Pondichery, affirm, that the English had given M. de La Bourdonnais 1,00,000 pagodas, as an acknowledgment of the good treatment they had received at his hands, and that he, the Jew, as his share of this payment, had been taxed at 7,000 pagodas, which amount he had not paid.

La Bourdonnais' reply to these assertions, was, in substance, that they emanated from two men, one the nephew, the other the son-in-law of Dupleix, that he had avoided the last farewell to the English Governor, because he heard that he intended to offer him a present; that had he received such a present, he would not have placed himself in the position of being obliged to restore it, by deferring the evacuation of Madras from October to January; that it was not probable that he would have been received with such distinction in London by two members of the Madras Council, if they had known,—as if it had been true, they must have known—that the ransom had been the result of a bribe.

Here the matter dropped for a time, it being considered that the charge had fallen through. It was revived, however, in 1772, by an English gentleman, Mr. Grose, who wrote an account of his voyage to, and residence in, the East Indies. He states as follows:—'The Governor and Council settled the 'price of the ransom with the French Commodore (La Bourdonnais) at '1,00,000 pagodas, or £421,666 sterling, *besides a very valuable present to 'the Commodore, who was willing to 'evacuate his conquest upon these 'terms*, and leave the English in full possession of their Presidency. *Grose's 'East Indies, Vol.* II, *page* 29.'

In Mill's India, 5th edition, Vol. III, pages 37, 38, we have evidence to the same effect. Professor H. H. Wilson affirms that 'a letter to a 'proprietor of India Stock, published in 1750, by a person who was evidently 'concerned in the Government of Madras at the time, describes discussions 'which took place at home, in regard to the payment of certain bonds given 'by the Government of Madras to raise money to the extent of 1,00,000 'pagodas, which, it is intimated, were presented to the French Commander as 'the price of his moderation.'

Only a few years ago, a case was submitted to the opinion of Council, regarding the validity of these very bonds, and it is believed that documents proving their existence are still to be found in the India House. This fact was communicated to the writer by a leading member of the Indian Bench, who had himself seen the case, and who had no doubt of the authenticity of the documents on which it was drawn.

The balance of later evidence seems, therefore, to weigh strongly against La Bourdonnais.

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received it. With the knowledge of this fact before us, the refusal of La Bourdonnais to entertain the statesman-like plans of Dupleix becomes at once intelligible. Knowing, as we know now, that of the three measures which he himself submitted to Dupleix, *viz.*, the occupation of Madras by the French, its destruction, and its ransom —that of the ransom was the only one which would bring him in material advantage, all the mystery that enveloped his conduct disappears. He stands robbed of much of his glory, of that bright halo of pure disinterestedness with which historians have sought to encircle him,—but he is at least an intelligible being. We can watch his acts now, morally certain that we have our eyes on the secret spring by which all those acts were directed.

But we would not be understood to assert that this was the sole motive which influenced him. We even conceive it possible that La Bourdonnais himself was not at all conscious of the effect thus produced upon his actions. Even great men are very often unconsciously acted upon. More especially was this likely to be the case with a man, who chafed so fretfully against superior control as did La Bourdonnais. Determined not to subordinate his will to the will of Dupleix, he may have been himself unaware of that secret influence, which, notwithstanding, most powerfully moved him. What is most probable is, that the two motives, powerfully assisting one another, so worked upon and mastered his reasoning powers, that he was but faintly, if at all, aware of the real moving and guiding power within him, but persuaded himself that he was influenced by considerations of duty,—the selfish and sordid views which lay at the root of his conduct being kept entirely out of sight. However that may be, we have in this place to judge of the man by his acts. And in looking at those acts, we cannot but take advantage to the full of any circumstances which tend to throw light on the motives that prompted them. Hitherto, no consideration has been paid to those motives. In the contest between Dupleix and La Bourdonnais, the former has been ruthlessly condemned,—condemned,—we are satisfied,—without a full and fair enquiry,—without having been heard by means of public documents, in his own defence. Yet, it is surely something in the question between them to enquire, whether there were any secret motives besides those that have been assigned, which might have tempted either of them to over-step his powers. In the case of Dupleix, we see the avowed reason,—the determination to root out the English at any cost from the Coromandel coast,—based upon the powers which as Governor General of French India, he believed himself to possess,—but we can find no trace of any other. He had no personal objects to gain by

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refusing to ransom Madras. It appeared to him so plain that the restoration of that place involved two dangers,—hostility from the Nawab and renewed hostility from the English,—to Pondichery which might be defenceless: the reason of his conduct is, in fact, so plain, so apparent, that we search in vain for any secret motive, least of all, for any which might have been beneficial to his private fortunes.

But it is not so with La Bourdonnais. It is now clear that up to the 26th September, he had entered upon no positive engagements to ransom his conquest. It is, we think certain, that on that 26th, the terms were verbally agreed to with Governor Morse, one of those terms stipulating for a private present to himself of nearly £40,000;—that, receiving on the the same day convincing intimations from Pondichery, that Dupleix and the Superior Council would be no party to any scheme for a ransom, he suddenly resolved to break with them, to assert his own independent action. Is it too much to infer that the alarmed private interests stimulated, perhaps unconsciously, his jealous and easily roused ambition to a revolt against the better feelings of his nature?

To return to the narrative. We left La Bourdonnais on the evening of the 26th and on the morning of the 27th September, refusing to acknowledge the authority of the agents sent to co-operate with him by the Superior Council, sending to Pondichery for ratification a copy of the treaty of ransom, and yet,—strange inconsistency,—asserting his entire independence of the control of that Council.

But before this actually happened, some intimation that it was about to happen, had reached Pondichery. Amongst the officers of the besieging army,—the commandant, in fact, of the Pondichery contingent,—was M. Paradis, a Swiss by birth, in the French service, and a man of a bold, energetic, daring nature. He had previously been known to La Bourdonnais, and the latter had, even before his arrival at Pondichery, made a special application for his services. Placed in command of the Pondichery contingent, and second only on land to La Bourdonnais himself, he had behaved in a manner to give the greatest satisfaction to his chief, and, until the time of the capitulation, the relations between the two had been of the most cordial nature. On the 26th, we learn for the first time that some difference had arisen on some point connected with the command of the troops, and that Paradis had left Madras for Pondichery on the 23rd; armed with letters from La Bourdonnais for Dupleix. It seems probable that Paradis, from his position in the force, had been made acquainted with the nature of the negotiations that were

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progressing at Madras, and that he had pointed out to the Superior Council that, unless they asserted their authority none would remain to them. The Council were probably influenced by these considerations when they sent M.M. Desprémesnil, Dulaurent, and Barthélemy to Madras. But on the 28th, they received the defiant letters of La Bourdonnais. They at once wrote to him a letter, in which they re-capitulated the arguments they had used against the restoration of the place to the English; told him that M. Desprémesnil, the second member of Council, and then at Madras, would be authorised to take over from him the command of the place, with the Pondichery contingent under him; and concluded with a formal protest against all the engagements he might contract without the knowledge and confirmation of the Superior Council. On the following day, Dupleix despatched to him a letter written with his own hand,—most touching, most entreating in its terms, conjuring him as a brother, as a friend, to give up all idea of ransoming the place, and to enter heartily into the designs he was nursing for the uprooting of the English. After dwelling upon the worthlessness of a ransom agreed to by prisoners, and adducing examples from history to prove, that conditions made under such circumstances had never been considered binding, he added: 'in the 'name of God; in the name of your children, of your wife, 'I conjure you to be persuaded of what I tell you. Finish as 'you have begun, and do not treat with an enemy who has no 'object but to reduce us to the most dire extremity. Such are 'the orders which the enemy's squadron executes wherever it is 'able. If it has not done more, it was because it could not do 'more. Providence has been kinder to us than to them. Let 'us then profit by our opportunity, for the glory of our 'monarch, and for the general interests of a nation which will 'regard you as its restorer in India. Heaven grant that I may 'succeed in persuading you, that I may convince you of the ne-'cessity of annulling a treaty which makes us lose in one moment 'all our advantages, the extent of which you will recognise 'immediately, if you will pay attention to my representations.'

Meanwhile, the three Councillors, M.M. Desprémesnil, Dulaurent and Barthélemy, finding their powers disavowed by La Bourdonnais, transmitted to him on the 27th, a formal protest against his usurpation of authority, as well as against the restoration of Madras to the English; they sent also to the various commandants of troops, copies of the King's orders conferring supreme authority in India upon Dupleix,—a step to which, they said, they had been driven by the measures adopted by M. de la Bourdonnais in opposition to the orders he had received from Pondi-

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chery. On the 30th, the three Councillors made a second protest, and announced their intention to withdraw to St. Thomé, there to await further orders from Pondichery.

This was only the prelude to other and stronger measures. On the 2nd October, a Commission, composed of the Major General de Bury, M. Bruyère, the Procureur General, and M. Paradis, arrived at Madras, armed with powers to execute the orders with which they were entrusted by Dupleix, as representative of his Sovereign in the East Indies. They carried a declaration made by Dupleix on behalf of the King and the Company of the Indies, which they were instructed to read publicly at Madras, setting forth, amongst other terms, that the treaty of ransom had been made 'by the simple act, without lawful authority, of 'M. de la Bourdonnais, with prisoners who were unable to 'engage others on their account, especially in an affair of such 'importance; that it was null and void, and to be regarded 'as never having been executed.' A second declaration, issued by Dupleix, on behalf of the King, and carried by them, created a provincial Council of Fort St. George, 'to render jus-'tice in the name of the King, civil as well as criminal, to all 'the inhabitants present and to come.' Of this, M. Desprémesnil was appointed President, and M.M. Dulaurent, Barthélemy, Bonneau, Desforges, Bruyère, and Paradis, members. By another declaration, M. Desprémesnil was nominated Commandant and Director of the town and fort of Madras, 'to command 'in it, under our orders, the officers of land and sea forces, the 'inhabitants, the clerks of the Company, and all other French-'men and foreigners, established in it, of what condition soever 'they might be.' They carried with them, besides two requisitions, one from the Superior Council of Pondichery, the other from the principal inhabitants of the town, both alike protesting against the usurpation of authority on the part of La Bourdonnais, and against the restoration of Madras to the English, as a measure injurious to the national interest, and fraught with danger to Pondichery.

Early on the morning of the 2nd October, six of * the members of the newly appointed provincial and executive Councils, accompanied by their chief clerk, entered Madras, and proceeded to the head quarters of La Bourdonnais. By him they were received and conducted to the large hall. Here the business of the day was commenced by General de Bury handing over to La Bourdonnais a letter from the Superior Council, stating that

* They were, M.M. Desprémesnil, Dulaurent, Barthélemy, Bruyère, Paradis, and General de Bury.

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he, the general, was authorized to reply to his letter of the 27th ultimo. The chief clerk then read out loud, in the presence of a large concourse of people, who were attracted by the rumours of some extraordinary scene, the several declarations and protests we have enumerated above.

Whilst this reading was going on, officers of all grades came crowding into the hall, the great majority of them belonging to the troops who had come with La Bourdonnais from the Isles. As soon as the clerk had finished, La Bourdonnais replied. He stated that he would recognize no authority in India as superior to his own; as the orders, which he had received from France, concluded with a special proviso, leaving him 'master of his operations.'* M. Desprémesnil replied, that the authority just quoted in no way invalidated the powers conferred upon the Governor General, and, in fact, bore no reference to the subject. La Bourdonnais, however, was obstinate, and seeing himself supported by a number of his own adherents, he assumed a haughtier tone, and threatened to beat the general, and get the troops under arms. Immediately a cry was raised in the assembly against taking up arms against one another. Upon this, La Bourdonnais assembled in the next room a Council of war, composed of the officers who had come with him from the islands, and after a short sitting, communicated the result to the deputies from Pondichery. This was, in effect, that they considered he ought not to go back from the promise he had given to the English. Upon this, the deputies retired.†

La Bourdonnais having thus repulsed the demands, legally preferred, of the Pondichery deputies, proceeded without delay to deprive them of every chance of executing them by force. Spreading a report that the English fleet had been seen off Pulicat, he issued a general order to send fifty men on board each vessel. He at the same time privately instructed his trusted subordinates to assign this duty to the troops of the Pondichery contingent. This was executed on the morning of the 4th

* Undoubtedly this was the case, and this was recognized by the Council of Pondichery, when two months before they had pressed upon him the necessity of a decision regarding them. La Bourdonnais had then refused to act, unless the Council prescribed to him a positive course. It may be observed in addition, that the fact of his being master of his operations, while it left to him the choice of his ground, did not relieve him of subordination to the authority of the representative of his Sovereign, in territories subject to that Sovereign.

† There are two accounts of this interview,—one a *Procès Verbal* drawn up at the time by Desprémesnil and his colleagues; the other the account written three years afterwards by La Bourdonnais. The latter abounds with personal imputations which we have omitted.

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October, and he found himself then at the head of troops entirely devoted to him, absolute master of his movements.

The members of the Provincial Council did not the less attempt to establish their lawful authority by legal means. Discovering during the day the ruse which La Bourdonnais had employed so well, apparently for his own interests, they resolved to place him under a moral restraint. For this purpose, General de Bury accompanied by M.M. Latour and Largi proceeded to his head quarters, and delivered to him a written document, addressed to him as Commandant of the French squadron, forbidding him to leave Madras with the French troops, without a written order from Dupleix. But the time had passed when it was necessary for La Bourdonnais to dissemble his resentment. He had rid himself of the Pondichery troops, and he was determined to use his usurped authority with the utmost rigour. He at once placed the three deputies under arrest, and when Paradis, hearing of this indignity, hastened to remonstrate with him, he charged him with being 'a marplot who had brought 'them all within two fingers of destruction,' and sent him to join his associates. He declared at the same time that he would leave them prisoners to the English on the 15th October,—the day on which he had covenanted to restore Madras to that nation.

We will not attempt to describe the feelings of Dupleix on receiving a report of these proceedings. To carry through the darling object of his policy, the destruction of the English power on the Carnatic, he had employed entreaty, advice, persuasion, menaces, and moral force,—and all in vain. The determined pertinacity of his rival left him stranded. Not a single resource remained to him. His authority denied, his soldiers sent on board the Admiral's ships, his deputies arrested and confined in Madras,—his entreaties answered by cold refusals, his assertions of authority by a contemptuous denial of it,—what remained for him to do? It was vain to appeal to Paris. Thence no reply could arrive within fifteen months, and La Bourdonnais could not stay fifteen days longer, without extreme risk, upon the coast. He was maddened, not only at the dissipation of the vast schemes which he had formed, but at his powerlessness to prevent any act which it might please the infuriated chief of the forces, naval and military, to carry out. The utmost that he could do was to protest. This he did, in a temperate and dignified letter,† so soon as intelligence of the proceedings at Madras reached him.

† *Dated Madras, 6th October, 1746. From the Superior Council of Pondichery to La Bourdonnais.* 'We learn by the letter of the Council of Madras of the 4th current, that you have caused to be arrested M.M. Bury,

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Nor was La Bourdonnais himself at all at his ease. The month of October,—a month famous for the storms and hurricanes which it brings upon the open Coromandel coast,—was now well upon him. He had felt and had always declared that it would be dangerous to stay in the Madras roadstead after the 15th October. Yet, so intent had he been on this quarrel with Dupleix, that very little had been done in the way of embarking the property of which he had made prize. Not even an inventory had been make out. To leave Madras, too, on the 15th, as he had intended, with a treaty unratified by the Superior Council of Pondichery, would be to make over his conquest to Dupleix without conditions, and to lose for himself and for France the ransom-money he had been promised. That defiance of the Pondichery authorities which had apparently succeeded so well, what would it profit him, if, after his departure, those authorities should choose to ignore all his proceedings, and should deal with Madras as a conquest of which they alone had a right to dispose? And yet, what was more probable than that they would thus act? Relying upon the physical force which he disposed of, he had contemned their orders, refused to acknowledge their authority, arrested their Generals, and put them to open scorn. It would have been contrary to all his experience of men to imagine, that, the physical force being on their side, they would acknowledge any of the arrangements, which, in open defiance of their instructions, he might have made.

At the moment then of his apparent triumph, La Bourdonnais felt all the hopelessness and helplessness of his position. Unless he could come to terms with Dupleix, all his plans would be subverted, the bills for public ransom and private gratitude would not be worth the paper on which they were written. Yet, how to come to terms with those whom he had slighted and scorned, seemed of all tasks the most impossible. To bend his

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Paradis, Latour, Largi, and Changeac. Our former letters, and that which M. Bury intimated to you, would have informed you that the Pondichery contingent, not being under your orders, we had nominated a Commandant at Madras, and had established a Council there. Things being upon this footing, we might have demanded of you, by what right, and by what authority, you have caused them to be arrested. But we feel the inutility of such a demand. We can now take no part with reference to all that you may do, but to wait tranquilly the issue of your proceedings.

We confirm the order to the Council of Madras, to the officers and troops of Pondichery, not to evacuate Madras, and not to embark, on board the ships, at least, until you forcibly compel them. But we tell them, nevertheless, to obey all your orders for the performance of the garrison duties of the place. We permit ourselves to hope that a ray of light will induce you to reflect very seriously.'

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haughty spirit to sue for the amity which, when pressed upon him 'as a brother, as a friend,' he had rejected, was a course which La Bourdonnais, of all men, would have scorned. Something, nevertheless, must be done. Dupleix could afford to wait for the future. It was from La Bourdonnais that the overtures must come.

He made them. Not, indeed, in that open, straightforward way, which would have acknowledged his error, and which would have caused the immediate renewal of cordial relations with Dupleix, but in that tortuous, indirect manner which those adopt, who, having committed an error, and finding that the consequences of that error are recoiling on themselves, are yet too much the slaves of a false pride to make a candid confession.

This was the plan he adopted. He commissioned Paradis, the Commandant of the Pondichery contingent, and whom, it will be remembered, he had placed in arrest, to sound Dupleix as to whether he would agree to the treaty of ransom, provided the restoration of Madras were deferred from October to January or February, with a view ostensibly, to make a proper division of the spoils. If he could agree to that, Paradis added, La Bourdonnais would leave behind 150 of his own troops to reinforce those of Pondichery.

This proposition came upon Dupleix just immediately after his authority had been insulted and defied, when he, the civil power, had had flaunted before him, by the chief military power, the irresistible argument of brute force. He had divined some, if not all, of the motives of La Bourdonnais, and he had made up his mind to keep no terms with him. Openly to break off all correspondence with one who wielded the physical force of the colony, would be however, in his opinion, conducive neither to French interests in general, nor to the interests of Pondichery in particular. But on receiving this indirect overture from Paradis, he saw in it a means of getting rid of one who refused to carry out himself, and who prevented others from carrying out, the views which he deemed essential to French interests. He resolved, therefore, to adopt that policy, which the weak in all age have deemed a legitimate weapon when battling against the strong, and to dissemble. He, accordingly, wrote on the 7th October to La Bourdonnais, stating that he would entertain the project. But on the following day, a circumstance occurred which immensely strengthened the hands of Dupleix. Three ships of war, long expected, the *Centaure* of 74 guns, the *Mars* of 56, and the *Brillant* of 50, having on board 1,520 men,* anchored

* Grose's' East Indies, Vol. 2, Chap. XXIX.

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that morning in the Pondichery roadstead. They brought out startling intelligence. M. Orry had been, in December 1745, replaced as Controller-General by M. Machault d'Arnonville,—a member of the Council of State,—of no experience in finance, but devoted to Madame de Pompadeur. The Company informed Dupleix of this, as well as of the fact that war between France and Holland was imminent, and that he would, therefore, have to arrange to meet a new enemy in his neighbourhood They also forwarded to him, in anticipation of his being joined by La Bourdonnais, specific instructons as to the relations to himself, which the Commander of the French fleet would bear.

As this was the very point upon which La Bourdonnais had based his resistance to the orders of Dupleix, this document had naturally very great interest for the Pondichery Council. It was dated the 6th October, 1745, and was thus worded: 'The Com-'pany considers it right and proper that the Commander of the 'squadron should be present at the meetings of the Superior 'Council; that he be summoned to it when any military 'expedition, in which this Commander is to bear a principal part, 'is under consideration; and that he have in it a deliberative voice. 'But it requires also that the conclusion, which shall be arrived 'at after discussion, whatever be the nature of the affair, be carried 'out by him without opposition, even though it should concern 'the disposing of all the ships of the Company which he may 'command.' These orders appeared to Dupleix to be too clear to be disputed; he, therefore, sent a copy of them the same day to La Bourdonnais with the additional intimation, that they had been approved of by the new Minister.*

* The date of this letter,—the 6th October, 1745, a date exactly two months antecedent to the appointment of M. Machault as Controller-General,—together with the statement made by Dupleix that its contents 'had been approved by the new Minister,' afforded an opportunity to La Bourdonnais, of which he took full advantage, to contest its validity. 'How is it possible,' he observes in substance in his memoirs, 'that *the new Minister* should have sent M. Dupleix orders, dated the 6th 'October, when his appointment dates only from the 6th Decem-'ber, and I myself received by the same opportunity letters from M. 'Orry, the old Minister, dated the 25th November.' He proceeds on this, to speak of it as a 'pretended letter. But this reasoning, plausible as it is, has no foundation. It is perfectly true, that M. Machault's appointment as Controller-General dates only from the 6th December 1745, but it is no less so, that for several months prior to that date, he had been designated as the successor of Orry, who was in disgrace, and that he had been consulted on all the arrangements that were under discussison. Dupleix merely states in his letter that the orders he had received from the Company had been 'approved of' by the new Minister. What was more natural than that such important orders had been submitted, before transmission to a distant settlement, to the man who was virtually, though not actually, minister, and

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But the shifts to which a wilful nature, working for a definite end, is able to resort, were not yet exhausted. La Bourdonnais, in his reply, thus referred to the instructions of the new Minister: 'With respect to the extract you have sent me, you may 'depend that I shall always conform to the orders of the Minister 'after I shall have received them. But he no longer writes to 'me here, and the extract you have sent me concerns the Com-'pany's captains and not me.'* He added that he had received but one letter from the Company, and begged Dupleix to have the

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who would be entrusted with their execution? That such was the practice is certain, and the very word used by Dupleix implies that the practice was carried out on this occasion. The very ships, which carried out the orders, sailed from France before the actual nomination of Machault; it would have been a transparent falsehood,—for which there was neither necessity nor excuse,—for Dupleix to have employed the expression which he did use, if it had not been founded upon fact. Of the authenticity of the order there can be no doubt. But there is another point. La Bourdonnais adds that the letter of Orry to him was a confirmation of his independent authority in the Indian seas, and he quotes two garbled extracts from it to prove this. We give here entire the two first paragraphs from which those extracts are taken, believing that they strongly confirm the view we are supporting. It must be remembered that the letter is addressed to La Bourdonnais, as Governor of the Isles of France and Bourbon, and that at the time it was despatched, Orry had not the smallest idea that La Bourdonnais would have been able to succeed, before its receipt, in fitting out a fleet for the Indies. He believed him, in fact, to be still at the Isle of France. The letter runs 'thus:—'The Company will send you this year, Sir, six of its vessels, of 'which five will sail at the beginning of next month, and the sixth in the 'course of February. It has determined to address them all to you, leaving you 'master, to dispose of them according to circumstances, and the news you 'may receive from the Indies. It ought, however, to be your chief duty to 'send to Pondichery, at a proper season, the number of vessels which may 'be necesssary to convey to it, in safety and with promptitude, the money 'and the troops, the ammunitions of war and the supplies, which are des-'tined for that settlement.

'I do not dictate to you the manner in which you ought to act, to succeed 'in this expedition, of which, you will yourself feel all the importance, 'persuaded as I am, that you will do all for the best. Your chief point of 'view ought to be the preservation of the town of Pondichery, and 'of the other establishments, which the Company possesses beyond the 'Cape of Good Hope and in India. This object ought to be preferred 'to all other enterprises. You should come to an understanding on 'this point with M. Dupleix, and should send him all the assistance 'he may demand of you, and for which he will look to you.'—*Dated 25th November*, 1745.

Now, this letter gives very large powers to the Governor of the Isles of France and Bourbon, but it in no way authorises that Governor to assume authority in the country of the Governor, for whom some of the assistance was intended. And yet that was the strained interpretation La Bourdonnais put upon it.

* *La Bourdonnais to Dupleix, dated Madras, 10th October*, 1746.

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others sought for. This despatch had scarcely been sent off, when the missing letters arrived. Whether or not they contained any reference to the orders sent to Dupleix, it is impossible to say,* but this is certain, that from the date of their receipt, the tone of his letters changed. In that of the 10th, he announced to Dupleix that he would wait the receipt of his ideas till the 13th, and assured him that there was no condition he would refuse, if it did not involve the forfeiture of his word. The same evening, he received the reply of Dupleix to the overtures made through Paradis, and he at once transmitted to Dupleix the conditions on which he would make over Madras to the Pondichery authorities, and depart.

The principal of these conditions were, 1st, a promise, that the treaty he enclosed should be rigidly observed; that the Governor should be taken from his officers, and not from Pondichery; that Madras should be evacuated on the 1st January, 1747. The treaty contained articles very favourable to the English, especially when it is remembered that Madras, with its wretched garrison, was incapable of further defence when it surrendered. The second article provided that one-half of the munitions of war should be returned to the English; the fourth, that the residue of the supplies, of which the quantity was large, after the re-victualling of the French squadron, should be restored to them; the other articles related to the ransom and matters previously noticed. On the following day, the 12th, he sent another letter, in which he stated that as M. Desprémesnil had assured him that Dupleix would agree to the conditions, he was now impatient to depart. He enclosed five articles, the two principal of which provided that Madras should be evacuated, at the latest, at the end of January, that it should not be attacked by either nation before that period, and that as long as it should remain in the hands of the French, the roadstead should be accessible to the ships of both nations. The Superior Council replied to these letters on the 13th and 14th. With reference to the conditions insisted upon by La Bourdonnais, they agreed to keep the engagement entered into with the English, provided the English kept theirs; but they required that La Bourdonnais should leave them 150 of his troops as he had promised Paradis, that Desprémesnil should be Commandant, assisted by a Council of four, two of whom might be named by La Bourdonnais, subordinate to Pondichery; and that the place should not be evacuated till

* He writes in his letter of the 10th October to Dupleix thus;—'I 'have just received the letters of the Minister, they, in no way, affect my 'previous orders.' But the letters are not given.

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a complete division of the prize property should have taken place. In their letter of the 14th,* the Council positively refused to agree to evacuate the place by the time proposed, and entered into reasons which shewed how dangerous it would be to French interests, to accede to the other conditions proposed. †

But before this letter reached La Bourdonnais, an unforeseen event had cut the more than Gordian knot which neither party could agree to untie. In his letter of the 11th October addressed to Dupleix, La Bourdonnais had remarked—'What we have most 'against us, is the monsoon; I can stay here very well till the '20th, perhaps, even to the 25th, if the weather continues favour-'able.' On the following day he wrote—'Already the northerly 'wind has set in, then follows, as you know, the decided necessity 'of quitting the place. * * * I am writing to-day to each 'captain, giving them such orders, that in case the new moon 'and bad weather should compel them to put to sea, they may 're-gain the coast afterwards.' The next day, the 13th, was a lovely day, one of the finest of the season. During the night, however, there came on one of those hurricanes which periodically cause ruin and devastation along the Coromandel coast. The French vessels, with the exception of three,—the *St. Louis*, the *Lys*, and the *Renommée*,—which had been sent to Pondichery with a portion of the spoils of Madras, were in the roadstead loading. In addition to their crews, they had on board nearly five hundred troops,—the Pondichery contingent, which, it will be recollected, La Bourdonnais, to assure his own unquestioned authority in Madras, had embarked upon them. The storm, as usual with us such storms,—gave but little warning of its approach. Before,

* In reply to La Bourdonnais' of the 12th.

† We extract the most salient passages from this letter of the Superior Council, dated Pondichery, 14th October, 1746, 'M. Dupleix has communicated 'to us your letter of the 12th, with some articles which we have examined 'very attentively. Many reasons prevent us from being able to accede to 'them. The time to which you limit the evacuation of the place, is not 'sufficient to enable us to make a division of the artillery, rigging, and 'the supplies, and to take them away. All that we can promise you, is to 'work as promptly as possible. * * *

'With respect to the hostages, letters of exchange, and bills, we are very 'willing to engage to receive them, on the understanding, that this acceptance 'on our part does not pass for an acquiescence in the articles which relate to 'them * * * The roadstead of Madras cannot be open to the English during 'the division of the prize property; the English squadron has only to 'come there with five or six ships from Europe, as well as from India, 'and to disembark their crews gradually. It would thus be very easy, 'as you will see, for the English to take possession of Madras, at least to 'concentrate there a force of 2,000 Europeans. It is for this reason that we 'have inserted a paragraph that the roadstead of Madras must not be open 'to the English.'

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however, it attained anything like its greatest severity, the ships had all slipped their cables, and put to sea. All night long the hurricane raged with terrible fury. La Bourdonnais, who, at the first whistle of the storm, had busied himself in making preparations to meet every possible conjuncture of fortune, vainly strained his eyes, as the day slowly broke, to discover any trace of his fleet. Not a vessel was to be seen. The hurricane continued to rage furiously, and, at 8 o'clock in the morning, appeared to be even augmenting in force. During the whole of that day his anxieties increased. But he was not idle. Here, again, the old qualities of the great organiser of the islands displayed themselves to their full perfection. He sent parties along the coast, with means and appliances to succour the crews that might stand in need of aid. At Madras itself, he made preparations on a large scale for the same purpose; he wrote letters to Dupleix, detailing his terrible anxieties, and asking news of the ships at Pondichery; besides this, all the boats having been destroyed, he detached catamarans,* at ½ past 3 in the afternoon, when the storm had begun to abate, with letters detailing the state of things at Madras, and asking for information from any vessel they might fall in with. No intelligence reached him, however, before 8 o'clock, nor did a single sail appear in view. At that hour, he learned that the *Marie Gertrude*, an English prize, having many soldiers in her, had been lost with nearly all on board, between St. Thomé and Covelong; that one ship totally dismasted, and another, with all her masts standing, were anchored safely off St. Thomé; that a Dutch vessel had gone down near the same place, and that two small trading barks had met with a similar fate. All next day his anxiety was increasing; every hour brought bad tidings. At 9 o'clock, he learned that the *Bourbon* was at anchor fifteen miles off, with only a foremast standing, and leaking terribly; that the *Achille* was almost in the same state, and that another ship, name unknown, had been descried totally dismasted. Every hour brought news of fresh disasters. At 7 o'clock in the evening, he reported to Dupleix that the *Bourbon* was lost beyond redemption,† and that it would be possible to save only a very few of the crew; that the *Duc d' Orléans* was lost, one man only being saved, and that another vessel, totally dismasted, was in sight.

On the 16th, the weather moderated; but it was not till the 17th, that La Bourdonnais became acquainted with the entire extent

* A catamaran is composed of three or four pieces of wood, about twenty feet long, tied together, upon which a man stands with a paddle.

† She was, however, eventually saved.

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of his losses. Of the eight French vessels * anchored in the Madras roads on the evening of the 13th, the *Achille*, after incurring great danger, losing two of her masts, and throwing over sixteen 18 pounders, anchored safely in the roadstead; the *Neptune* had been totally dismasted, had thrown over fourteen 12 pounders, and had seven feet of water in her hold. All her prize-cargo had been ruined. The *Bourbon* was saved by a miracle: she had lost her main and mizen masts, and been compelled likewise to throw over fourteen of her guns. She had received in other respects such damage, as to make her quite unfit to put to sea. The *Phenix* was lost with all on board; the *Duc d'Orléans* underwent the same fate, eight only of her crew being saved; the *Princesse Marie* was dismasted, and had seven to eight feet water in her hold; the *Marie Gertrude* and the *Advice* had foundered. Of these eight vessels, then, four were lost; two of the others were rendered utterly unseaworthy, and the remaining two were so damaged, as to require almost super-human exertion to fit them for sea. The French fleet had, in fact, suddenly ceased to exist. The loss in men alone had exceeded twelve hundred.†

It was whilst in the midst of his troubles, before even he knew the full extent of his losses, that La Bourdonnais received that letter, dated the 14th October, from the Superior Council to which we have alluded,‡ and in which they declined to fix an absolute term to the time of the withdrawal of the French troops from Madras. He apparently had expected some such answer. 'I have received from the Council,' said he, in reply, 'the answer 'which I expected regarding the affair of Madras. I shall take 'that which I believe to be the simplest part, which is to leave 'you a copy of the capitulation, and to abandon to you the field, 'in order to devote myself entirely to saving the *débris* of our 'losses.' Four days later, writing when his losses were fully known to him, he still expressed himself hopefully about the future, proposing to winter and repair damages at Goa, whilst the undamaged portion of the fleet should remain at Acheen for the protection of Pondichery. He then added—'My part is taken

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* These were the *Achille*, the *Bourbon*, the *Phenix*, the *Neptune*, the *Duc d'Orléans*, fitted out as men-of-war, the *Princesse Marie*, an English prize, the *Marie Gertrude* and the *Advice*, also prizes.

† Besides sixty men of the English garrison who were on board the *Duc d'Orléans*. *Grose's East Indies.*

‡ *Vide* note to page 461.

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'regarding Madras; I abandon it to you.* I have signed 'the capitulation, it is for you to keep my word. I am so 'disgusted with this wretched Madras, that I would give an 'arm never to have put foot in it. It has cost us too much.'

The next day he signed the treaty,—the same treaty which, on the 11th and 12th, he had forwarded to Pondichery, and to some articles of which, on the 14th, the Council of Pondichery had objected,—he signed this treaty, stating in the preamble, that he did so, because the Pondichery Council, by articles signed the 13th, and by that same letter of the 14th,† had engaged itself to hold to the capitulation in those terms.

Having thus concluded, by an act not only unauthorized, but under the circumstances, even dishonourable, that struggle for authority, and,—would that we could omit the remainder,—for his own private ends—for the securing to himself of the private sum which was additional to the public ransom,—La Bourdonnais assembled the members of the English Council, and reading to them the treaty in both languages, received their acceptance of its terms. Governor Morse and five of his ‡ Councillors then attached to it their signatures. The treaty was sent the same day to Pondichery, accompanied by an intimation from the Admiral to the Council, that he would hold them responsible, individually and collectively, for all contraventions perpetrated against it by the French.

Meanwhile, La Bourdonnais had made extraordinary exertions to repair and re-fit his vessels. Here he was in his real element. Nothing could surpass his energy, or the zeal and determination

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* It is necessary to notice that this was not written until La Bourdonnais had made a vain attempt to bring under his orders, the captains of the *Centaure*, the *Mars*, and the *Brillant*, just arrived from England. They pleaded, in reply, the orders they had received to place themselves at the disposal of the Governor-General and Council of Pondichery. *La Bourdonnais à Messieurs du Conseil Suprême de Pondichery, le 18th Octobre*, 1746.

† In a foot note to page 461, we have given the most important extracts from this letter. If the reader refer to it he will find, that so far from giving La Bourdonnais authority to accede to the terms mentioned, it distinctly objected to two of the most important conditions,—conditions, which, nevertheless, are found unaltered in the treaty which La Bourdonnais, on the strength, as he says, of this letter, signed. La Bourdonnais, in his memoirs, declares that the previous letters of Dupleix, agreeing in general terms to his conditions, authorized him to act thus;—but, why then, did he not quote these in the preamble?

‡ Mr. Grose, who was a contemporary, and who naturally adopted the English view, writes:—'If the French had not perfidiously broke their engagement, the price of the ransom would have been a very favourable circumstance to the English Company.' No doubt, and that is just why Dupleix opposed it, though he broke no engagement, having made none.

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he instilled into his subordinates. In less than five days after the remnants of the shattered squadron had re-anchored in the Madras roads, he had succeeded in rigging the *Achille* with jurymasts; the *Neptune* and the *Princesse Marie* had been rendered seaworthy, and even the *Bourbon* had been patched up sufficiently to make the passage to Pondichery. Having placed what prize property he could on board these vessels, La Bourdonnais, on the morning of the 23rd October, ordered a grand parade of the troops, and formally made over command to Desprémesnil. As he did this, it came on again to blow, and the ships, fearful of another hurricane, at once made for the open sea. La Bourdonnais himself waited for the conclusion of the ceremony, then threw himself into a country boat, and amid a terrible storm put out to join them, thus bidding a last adieu, amid the conflict of the elements, to that Madras, with regard to which he 'would have given an arm never to have set foot in it.'

All, meanwhile, had been quiet at Pondichery. The storm of the night of the 13th and the two following days, had not extended so far south as the French capital. The three ships arrived from France, as well as the three which had been despatched from Madras some time previously to the storm, had thus ridden calmly in the Pondichery roads, whilst their consorts at Madras had been damaged or sunk. No sooner had these terrible losses become known, than the Council assembled to concert measures to be adopted to meet the possible results of such a calamity. Little, however, could be done, as the demands made on Pondichery for the expedition to Madras had exhausted all its stores, and the ships were not in a condition to take the sea immediately. On the 22nd, a Council was held, at which the captains of the ships assisted to deliberate on the disposal of the fleet. After hearing the opinions of the captains, a resolution was arrived that the six vessels, then off Pondichery, should proceed to the roadstead of Acheen, under M. Dordelin, the senior captain, there to remain till the 20th or 25th December, when the squadron should bear up for Pulicat, to proceed thence, if circumstances were favourable, to Madras. These orders were sent sealed to M. Dordelin. Neither Dordelin nor any of his junior captains appear to have been men of energy or character. The authority in whose presence they found themselves at the moment, acted upon them with a force, that to their feeble natures was irresistible. They had not been many hours at sea, when they received a letter from La Bourdonnais informing them of his departure from Madras, and directing them to proceed along the coast to join him. On opening at the same

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time their sealed orders, their perplexity was extreme. It was difficult for them to decide to whom their obedience was due. Whilst yet hesitating they fell in with the maimed squadron of La Bourdonnais. His daring, decided spirit settled the question in a moment. Taking upon him the command of the united squadron, he ordered them to accompany him, as he continued his course for Pondichery. In that roadstead he anchored on the 27th.

Once more at Pondichery, the contestation between the two men re-commenced. It formed part of the plan of La Bourdonnais, and there can be no doubt that, as a plan, it was able and well considered, to have taken round the squadron to the Malabar coast. Leaving the sound vessels cruising in the Arabian Sea, he would have taken the damaged ships into the neutral harbour of Goa, and have there completely re-fitted them. Buying then other vessels at Goa and Surat, he would have re-united his squadron, and have come round with a force, sufficient to counterbalance the English force, to the Coromandel coast. But to carry out this plan, he required to draw upon all the resources of Pondichery.

He required to borrow from her all her soldiers, all her heavy guns, a great part of her ammunition, and the remainder of her all but exhausted stores. He demanded of Pondichery, in fact, to take upon herself all the risks which might possibly attend his cruise, remaining herself all the time open to the attacks of an enemy. The idea, however, quite mastered him for the moment, and he pressed it with all his earnestness upon Dupleix. 'Aid me,' he said, 'with the same zeal with which 'you aided me for the taking of Madras, and we shall be able 'not only to recover ourselves, but to gain fresh advantages.'

It is doubtful whether, even under any circumstances, the Governor of Pondichery would have felt himself justified in undertaking so great a risk, even with the prospect of gaining so great an advantage. Certain it is that, after the experience of the preceding four months, Dupleix felt no inclination to permit the safety of the colony to rest on the caprices of a man who, up to that time, had never ceased to thwart and oppose his best devised schemes. Considering that the squadron of Commodore Peyton was yet unconquered, he felt that it was absolutely necessary for the safety of Pondichery, that the bulk of the fleet should proceed to an anchoring ground, whence it would be re-called on an emergency. Such a position did Acheen, in the opinion of himself and his Council, offer. Although, therefore, the letters of La Bourdonnais making this proposal, were couched in the most conciliatory language; although in

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them, Dupleix was urged to forget the past, and give once more, as he had given before the expedition to Madras, all the resources of Pondichery, in aid of the new scheme, he felt constrained to refuse to entertain it. The fact is, he could not forget the past; he could not forget the terrible trials of the preceding six weeks; the open defiance of his authority, the arrest of his agents, the disposal of the Pondichery contingent on board the ships of the squadron, the usurpation of an authority supported by physical force alone. These things, indeed, would have been very hard to forget at any time. Especially were they so at the moment when he, who had suffered most from such proceedings, had upon his shoulders the sole responsibility of the future of Pondichery. To have again voluntarily placed that settlement in the power of one who had shown no respect for the authority of its Governor, would have been the height of folly. The honied phrases of La Bourdonnais fell, therefore, upon ears which thoroughly mistrusted both them and their author. The Superior Council declined to entertain his plan for a moment. La Bourdonnais himself had refused to land; they declined to proceed on board his ship, as he requested, to discuss matters together. Neither party, in fact, would trust the other. Under these circumstances, it is scarcely to be wondered at, that the tenor of the reply to La Bourdonnais' proposition went simply to reiterate to orders, which had directed the squadron to proceed to Acheen.

In the first letter,* which La Bourdonnais addressed to the Superior Council after his junction with the squadron of M. Dordelin, he had promised that he would not interfere with their command over the Company's ships. This promise, on his new plan being rejected, he proceeded to fulfil. He had at his disposal seven vessels,—four in good order,† three damaged and shattered.‡ Of these he proposed to form two squadrons, which, sailing together, should endeavour to gain Acheen. If they succeeded, he would send thence the *Lys* and the *Sumatra* to the islands, and, repairing the *Achille*, would make, at the end of December, for Pulicat, then to carry out the orders of the Superior Council. But should he not be able to gain Acheen with the two squadrons, the first under the command of M. Dordelin was to make for that place, there to act under orders from

* *A Messieurs du Conseil du Pondichery, le 26th Octobre*, 1746.

† These were the *Centaure*, the *Brillant*, the *Mars*, and the *St. Louis*.

‡ The *Achille*, the *Lys*, and the *Sumatra*. The *Sumatra* had come in a shattered condition from the islands. The other ships, the *Bourbon*, the *Neptune*, the *Renommée* and the *Princesse Marie* had been too disabled to make the voyage.

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Pondichery, whilst he himself, with the damaged squadron, should bear up for the islands.

Upon this plan he acted. On the 29th of October, after a stay in the Pondichery roads,—for he did not land in the town,—of only two days,— he set sail with the seven ships before indicated for Acheen. The result he had anticipated happened. The three damaged ships were soon left out of sight by those of the uninjured squadron. These latter sailing their best, as had been ordered, reached Acheen on the 6th December. La Bourdonnais, despairing of being able to gain that anchorage with ships that had been so shattered as his own, gave up all idea of reaching it, and bore up for Port Louis. He arrived there, his ships in a miserable condition, on the 10th December.

In this manner, after a short sojourn of four months, did La Bourdonnais leave those latitudes, to gain which had been the dream of his heart during the best years of his life. Yet, in those four months, what stirring events had been concentrated! Arriving in the Indian seas with a fleet which he had, for all the purposes of the expedition, made himself, with crews he had trained, and soldiers whom he had taught and drilled, he first encountered and beat off an English fleet, inferior, indeed, in the actual number of the ships, but far superior in weight of metal; then, re-fitting and re-arming at Pondichery, he sailed out to encounter once more the English squadron. Not daring to accept his challenge to an engagement, they fled before him, and he, having thus obtained the mastery of the seas, sailed then to attack the stronghold of the English on the Coromandel coast. Taking it without the loss of a man, he heard very soon afterwards of the arrival of a reinforcement of three ships, armed as ships of war, at Pondichery! What a position did that give him! Conqueror of Madras, master of the ocean, with no one to oppose his onward progress, with a Governor General at Pondichery who was constantly impressing upon him the necessity of rooting out the English from every settlement in India, he might have sailed up the Hooghly, have conquered Calcutta, and have destroyed English commerce in the Indian seas. In acting thus, he would have fulfilled the very purpose of his mission; he would have carried out the most cherished dreams of his life. Why, then, did he not effect this? The answer is to be found in the motives which we have unveiled. It was partly, we believe, chiefly, because though he had triumphed over difficulties, such as would have baffled most men, though he had conquered enemies on shore, and driven every rival from the sea, he had not overcome himself.

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Yet, there was another reason too, which it is impossible to ignore. The price of the ransom-treaty of Madras, even if it had no acknowledged influence on his conduct, stimulated, nevertheless, by its demoralizing power, that spirit of rebellious pride, which led him first to oppose every order which would have set aside the treaty that he had concluded, and afterwards to assume a position, as defiant as it was unbecoming, as baneful to the interests of France, as it was prejudicial to his own character.

And yet, it is not France that has the right to pronounce upon him severe judgment. Left by France to himself, he had civilized for her one great island in the Indian Ocean, and, making resources for himself, had done what none other of her sons has ever succeeded in doing,—had subdued the chief settlement of her great rival. Even that great fault,—great inasmuch as it led to greater,—the acceptance of a present as the price of the treaty of ransom, was, after all, but a compliance with customs that were common enough in India, and which, in one shape or other, few commanders of that age, whether they came from England, from France, or from Hindostan, were virtuous enough to resist. If, then, the recollection of the struggles, partly the consequence of this fault, for supreme power with Dupleix, cannot entirely be obliterated, we may at least prefer to dwell on the great triumph we have alluded to,—on the unsurpassed energy, daring, and strength of will, by which alone it could have been achieved!

He has now, at the epoch of which we are writing, gazed for the last time on the scene of his triumphs. No more was he to be called upon to strike a blow for French India. Arriving in the Isle of France, in the beginning of December, he found a successor, M. David, installed there, with orders to leave to La Bourdonnais the command of the fleet, only in case he found the accounts of his Government in proper order.

M. David having pronounced favourably in this respect, La Bourdonnais was placed in command of the squadron, and directed to proceed to France, taking Martinique on the way. A storm shattered his ships off the Cape of Good Hope, but he succeeded, with four of them, in gaining Martinique. Here he learned that the homeward route was barred by English cruisers, whom it would be impossible to avoid, and who were too numerous to contend against. Impatient, however, to arrive in France to justify himself, he proceeded under a feigned name to St. Eustache, converted all his property into jewels,*

* Madame de La Bourdonnais embarked in a Portuguese ship with most of these jewels, and arrived safely in Lisbon; thence she proceeded to Paris.

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and took a passage in a Dutch ship. War, however, had been declared between England and Holland, and the Dutch vessel was taken, and carried into an English port. Here La Bourdonnais was recognised, and was at once constituted prisoner of war.

His reception in London, whither he was taken, was, however, most flattering to him. Regarded as the champion of English interests in India,—a poor compliment to a French admiral,—testimonies of esteem and regard were showered upon him. He was at once allowed his freedom and permission to return to France on parole, and he was treated by the Royal family, the Directors of the East India Company, and others, with the greatest distinction. Hearing, however, that his own Government and the Directors were incensed against him, he resolved to proceed without delay to France.

La Bourdonnais left London on the 22nd February, 1748, and, in a few days, found himself at Versailles. Here, however, a very different reception awaited him. Louis XV, king of France, in the very height of his sensual career, had no thought but for the gratification of his palled and jaded appetites. The reigning favourite, Jeanne Antoinette Poisson, Madame d'Etioles, the supposed daughter of a clerk in a mercantile house, created by the King, Marquise de Pompadour, held in her hands the whole direction of affairs. Such was the destiny of the France of Louis XV, that the fate of her armies, the fame and fortune of her generals and admirals, the prosperity of her citizens, depended on the absolute voice of one shameless woman. Caring only for power, she maintained her influence over the king by ministering, by means of others, to his debaucheries, whilst he signed the decrees that she had ordered to be prepared. The ministers were her creatures. Orry, whom she had disgraced, and who had died the previous year, had been succeeded, as we have already seen, by Machault, a man of little experience, as Controller-General of Finances, whilst the Chief Directorship of the Navy had been conferred upon Le Normand de Tournehem, a subordinate in the Revenue Department, and the reputed father of the favourite.

Under such a regime justice was not even thought of. It being the object of Madame de Pompadour to consolidate her own power, she cared only for those whose wealth and influence could be useful to her. In her hatred, she was vindictive and remorseless. Many a man expiated a trifling wound to her vanity, or a thoughtless sarcasm on her position, by a life of imprisonment in the Bastille. She possessed a cold and

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callous heart, utterly incapable of sympathy or feeling. The selfish and animal nature of the King she knew thoroughly, and she managed him with an art that brought him quite under her control. Not that he loved her. Love was a feeling of which Louis XV was incapable. Cold-blooded, indeed, must have been the man who, as the remains of the woman with whom and under whose influence he had lived for nineteen years, were being carried in a drizzling rain to the grave, could jocularly remark—'The marchioness has bad weather for her journey.' Yet over that cold selfish nature she possessed complete mastery. Though he was often aware, and disapproved of, the tendency of her projects, he never had sufficient energy even to remonstrate against them. She provided him with debauchery in the *Parc aux Cerfs*, and he left to her unlimited and unfettered action.

Such were the rulers of the France to which La Bourdonnais returned, proposing first to clear his character, and secondly, to suggest new operations for the extensions of French territory. But he returned to a France which was not even the France of Fleury, nerveless and palsied as he had considered that to be. The France of 1748 used the spasmodic vitality she possessed chiefly against her own children. La Bourdonnais arrived to find himself the object of the most serious accusations,—accusations which the office-holders who registered the decrees of Madame de Pompadour regarded as fully proved by the fact that they had been preferred. He was accused of having disregarded the King's orders, of having entered into a secret understanding with the enemy, and of having diverted to his own use the funds of the Company. No explanation was listened to, or rather all means of explanation were denied to him. He was thrown into the Bastille. Permission to see his wife and children was denied him. Paper and ink were withheld from him, and this great soldier, whose active spirit had found the outer world not too wide for its conceptions, was shut up for three years in a narrow cell, whilst the charges against him were examined, according to the tedious forms of the period, before a Commission. But the spirit of La Bourdonnais could not be idle even in a prison. He devised means to write his memoirs. Handkerchiefs steeped in rice-water served him for paper, coffee dregs for ink, and he made a pen out of a piece of copper money, which he flattened out, rolled up, and pointed. At the end of three years, the Commission solemnly declared his innocence, and the gates of the Bastille were opened to him. But it was then too late. Paralysis of one side had resulted from his long confinement

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and his general health had been undermined. His affairs, too compulsorily neglected, were in a state of disorder. Indignation at such a reward for his services increased the malady which confinement had induced. It had, in fact, broken his heart. His release, therefore, brought him but little benefit. A few months later, the 9th September 1753, he died, the first Franco-Indian victim,—the first out of others who were to follow,—to the misgovernment of Louis XV.

But it may be objected that a man who could act as we have described La Bourdonnais to have acted, can scarcely with propriety be styled 'a victim,'—that he who could make the honour and glory of his country, second to his own interests and his own ambition, more deserved the designation and punishment of traitor, than merited commiseration. Undoubtedly that might have been so, had his contemporaries enjoyed the same opportunity that we have of prying into the inner heart of the man, of searching out his secret motives. But, in considering the conduct of France towards La Bourdonnais, we must always recollect that the charge which in these days is considered the gravest against him, *viz.*, that of receiving a bribe to agree to the ransom of Madras, was but lightly pressed, was supported by no proof, and was never believed. He stood before his countrymen, as a man who had sacrificed his every energy to promote the glory of France, and who had failed in consequence of the jealousy of others. It was that failure, no matter how brought about, which constituted his real crime in the eyes of the palsied administration of Louis XV. A Government, such as that was, cares for nothing, looks at nothing, but results. Its administrators may have been culpably careless themselves, they may have neglected every necessary provision for success, they may even, by their incapacity, have made success impossible, but, notwithstanding, they do not the less force the responsibility of the result on the man whom they employ. They save themselves by making of him a victim.

As to the fault itself, nothing is further from our intention than to attempt to excuse or to extenuate it. Yet, in justice to La Bourdonnais, it must be recorded that the fault was less his, than of the age in which he lived. Whilst we lament his weakness in this respect, let us remember how few of our own early Indian administrators were clean-handed. After reading the account of the vast sums paid to the conqueror of Plassey by Meer Jaffier for his elevation, of the bribes then offered by Meer Kassim, and accepted by the members of Council to dethrone that same Meer Jaffier in favour of himself, and then, of the presents in hard coin paid by Meer Jaffier for his restoration, we

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may then be disposed to judge La Bourdonnais by the more lenient code that obtained in the earlier period of British conquest of India, and, if we cannot acquit him entirely, we must at least be forced to the admission, that there were few men in that age who would have been proof against a similar temptation.

It is our own belief, founded upon a diligent study of all the papers that have been written on this question, of the accusations and retorts, the charges and the defence, that whilst La Bourdonnais accepted the bonds for the amount intended as a private present to himself, he was not, consciously to himself, influenced by their receipt. The fact is, he was naturally disposed to rebel against authority on the spot superior to his own. The orders he had received from France gave a colour to the view, upon which he insisted, that he was supreme everywhere, except within the walls of Pondichery and its dependencies, and, in his impatience under restraint, he would read those orders only in the light most favourable to his own wishes. We do not doubt that the money consideration really helped to drive him on in the course which led to an open breach with the civil power. But his mind was so full of the consciousness of his own dignity, he chafed so much against orders, he had become so blind to what ought to have been to him the simple line of duty, and so bent on asserting his own rights, that we can well believe he would himself have repelled with sincere indignation the charge that he was really fighting to secure a bribe. We have had instances in our own day of the strange forgetfulness of propriety that can be displayed by men, who, in other points, might claim to be regarded as great men, when they are baulked in the course they have planned out for themselves. It matters little what is the cause, but the fact is undeniable, that when once a man gives himself to the sway of his passions, he is like a steed without a rider. The greater his capacities, the more headlong, the more dangerous will be his course. His manly sense of honour, his chivalry of nature, leave him as if by order. He stoops to acts which he would scorn in others, which, in the possession of his right senses, he would scorn in himself. He looks only at the end. Reckless as to the means, he presses into his service the meannesses which come readily at his call, blinding his eyes to their nature. Happy the man, to whom a sudden revelation discloses the abyss upon the brink of which he is acting, whom a knowledge of the means he is employing recalls, before it be too late, to himself! To La Bourdonnais, alas! no such perception of danger was granted, and, in his struggle for power, he lost, by his

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protracted stay at Madras, the best chance of completing the work of François Martin.

Meanwhile, his rival remains at Pondichery, master of Madras, master even, for the moment, of the seas. His policy has triumphed, but yet dangers seem to be rising upon two sides of him.

On the one side, England, alarmed at the loss of Madras, is making super-human efforts to retaliate on Pondichery. On the other, the Nawab of the Carnatic, jealous of French aggrandisement, is demanding with eager messages the surrender to himself of Madras, the renunciation of further designs of conquest, and threatening hostilities in case of refusal. In our next number will be recorded the consummate skill by which Pondichery was preserved, Madras retained, and which planned the first direct blow for a French Empire in India.

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SHORT NOTICES.

The Panjab Chiefs, Historical and Biographical notices of the principal families in the territories under the Panjab Government. By Lepel. H. Griffin, Bengal Civil Service, Assistant Commissioner, Lahore. Lahore : T. C. M'Carthy, Chronicle Press, 1865.

IN the very short space which we are able to afford in this number to the notice of this valuable work, we do not pretend to be able to give anything like a full review of its contents. That we reserve to a future occasion. But it is impossible to allow the present number of the *Review* to appear without containing our testimony to the great care with which these historical and biographical notices have been compiled, and to their value alike to the reader and to the historian. The portion that has been published relates only to the Chiefs of the plain country between the Beas and the Indus, but it constitutes, in reality, a minute and detailed history of the political occurrences that have taken place under Sikh rule. 'The intention of the work,' we are told in the preface, 'has been to give a picture of the 'Punjab aristocracy as it exists at the present day. No mention 'has, accordingly, been made of many families, Hindu and Muham-'medan, once powerful and wealthy, which fell before the 'Sikhs. No mention has been made of many old Sikh families 'whose jaghires were seized by Maharaja Runjit Singh, and 'whose descendants are now plain husbandmen. A few notices 'of tribes and families of no present importance, have, for special 'reasons, been given; but, as a general rule, only the his-'tories of those men have been written who possess, at the 'present time, rank, wealth, or local influence.'

It can easily be imagined how important a work, compiled upon such a plan, must prove to the future historian, provided only that sufficient care have been taken to ensure accuracy in the details. The proofs are abundant that this has been an object of which Mr. Griffin has never lost sight. Every biography has been sifted in the most careful manner, and with a discrimination which betokens the possession of a clear head and cool judgment. It is this, in fact, which makes the work so valuable. Any one could have made a compilation, but only

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a man of judgment and ability could have compiled the book we are noticing. We do not hesitate to state that it ranks next to Mr. Aitchison's valuable work among the additions that have been made, during the present century, to Indian history.

On the various narratives, which make up the work, we will not now dwell. We have not space enough to refer to all, and it would be tantalizing to select only one or two. We would wish, however, to say one word about the style. And here again we have only to praise. Everything is set before the reader, in a manner, so clear and forcible, that it is impossible for the most ignorant of Oriental names to lose his way. There is no circumlocution, no heavy involved sentences; the relative pronoun, 'which,' is never allowed to thrust himself forward unnecessarily, and there is, what is of equal importance, an entire absence of mere pretentious verbiage.

We regard this work of the more importance, considering the body to which the writer belongs. He is one of that class who may be regarded, with reference to their official duties, as the rising hope of the country, and, in another point of view, as the mainstay of Anglo-Indian literature. It is no secret that to the young members of the Civil Service this *Review* is mainly indebted for its continued existence, and it is, we think, one of the most hopeful signs of the time to notice the contribution made to literature, whether in the shape of exhaustive articles on controverted subjects, or in works of greater pretensions, such as those published by Mr. Aitchison and Mr. Griffin, by men who will, if they live, occupy, in the course of a few years, the highest places in the land. We rejoice to observe too, that this employment of time, not strictly official, is fostered by the various Governments of the country. Mr. Aitchison brought out his valuable work under the auspices of the Government of India, and Mr. Lepel Griffin informs us that his history of the Punjab Chiefs has been written by desire of the late Lieutenant-Governor of the Punjab. Whatever adds to the knowledge of the administrative officers of the country, must conduce likewise to their usefulness,—to their fitness for high employment. It is well known that the greatest statesmen who ever governed England, and the greatest orators who ever adorned Parliament, that Bolingbroke and Burke, Canning and Macaulay, Brougham and Shiel, gained their spurs by contributions to the periodical literature of the day, and that, even in our own time, the youthful aspirants of the Tories write up the policy of the party in the *Quarterly*, whilst their rivals disport themselves in the 'Blue and Yellow.' It is something that a similar system is gradually obtaining

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in this country; that literary ability is looked for and rewarded; that an eye is kept on the writers of good articles with a view to their employment in the higher offices of the public service: and, above all, that there are men, who, caring little for this, are willing, in the interests of the country, to devote their leisure hours to the examination of questions greatly affecting the welfare of the people.

Of Mr. Griffin's work we will only say, in conclusion, that it constitutes a necessary addition to the the library of every Anglo-Indian, who may care to obtain a real insight into the history of a province so important, and so full of interest, as the Punjab.

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2. *From Cadet to Colonel, the Record of a life of active Service.* By Major General Sir Thomas Seaton, K. C. B. In two volumes. London, Hurst and Blackett, Publishers, 13, Great Marlborough Street, 1866.

We wish every Indian officer of repute would follow the example of Sir Thomas Seaton, and give the world some record of his adventures. If no two men are able to describe alike the events they have witnessed side by side in battle, there must be something to be learned from a perusal of the impressions which have been conveyed to the minds of different able men in their contest in the greatest battle of all. Life in India, indeed, presents endless varieties. To some men it is comparatively uneventful; others, on the contrary, undergo a constant, and apparently never-ending, succession of adventures. Such was the case with Sir Thomas Seaton. Coming out, without much preparation, the first of his family, to this country, he was present at the siege and capture of Bhurtpore in 1826, took a part in the Affghanistan expedition, and in the subsequent occupation of that country, served with his regiment, the late 35th L. I., throughout the terrible events of 1841, fighting his way with Sale's Brigade to Jellalabad. The story of the occupation of that place is one of the best parts of the book. It shows the resources of soldiers under all sorts of privations and difficulties. Sir Thomas Seaton tells us with *a gusto*, which neither time nor age have lessened, of the stratagems used to capture the flocks of sheep, which Mahomed Akbar was in the habit of driving within tempting distance, in order to decoy the garrison to their destruction; how, when spirits failed, he set up a still of his own, and produced a concoction which was pronounced admirable. To the dogged bulldog courage of Sale, and to the lofty energetic spirit of Havelock, whom

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he regards as the inspirer of all the best measure taken of that gallant defence, Sir Thomas does ample justice. Some of his descriptions are rather startling,—that, for instance, of the great earthquake, especially so. Imagine such a scene as this: 'a little after eleven o'clock, there was a smart shock 'of an earthquake, accompanied by a rumbling noise. As the 'motion, however, at first was slight, I did not take much 'notice of it, but when, almost in an instant, the rumbling 'increased and swelled to the loudest thunder, as if a thousand 'heavy waggons were driven at speed over a rough pavement, 'I turned quite sick, and an awful fear came over me. The 'ground heaved and set like the sea, and the whole plain 'appeared rolling in waves towards us. The motion was so 'violent that I was nearly thrown down, and expected every 'moment to see the whole town swallowed up. Of course, 'the effects were awful;—the houses, the walls, and the bastions 'were rocking and reeling in a most terrific manner, and falling 'into complete ruin, while all along the south and west faces, the 'parapets which had cost us so much labour, and had been erect-'ed with so much toil, were crumbling away like sand. The whole 'part was enveloped in one immense impenetrable cloud of 'dust, out of which came cries of alarm and terror from the 'hundreds within. When the dreadful noise and quaking 'ceased, a dead silence succeeded, all being so deeply impressed 'by the terror of the scene, that they could not utter a word. 'The men were absolutely green with fear, and I felt myself 'that I was deadly pale.' It must, indeed, have been an appalling spectacle, far more terrible than the attacks of the Affghans. A few weeks after this, Akbar came with his army, and laid siege to the all but dismantled town. Then followed that famous sortie which dispersed the Affghan army, and enabled the garrison to await with a sort of contemptuous impatience the relieving force of General Pollock.

In the course of Sir T. Seaton's reminiscences we find many practical remarks, which are not unworthy of consideration even in the present day. He is especially severe against Lord William Bentinck's half batta order, and against the policy which abolished flogging in the native army. He animadverts likewise most justly on the little authority formerly allowed to commanding officers. 'Each successive Commander-in-Chief' he says, 'curtailed the power of a commanding officer until 'it was reduced to a mere shadow, and as for captains command-'ing companies they were mere nonentities, and were treated 'by the sepoys accordingly. A commanding officer could not 'recommend for promotion to the commissioned grade any

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'havildar out of his turn, whatever might be the man's merits; 'neither could he pass over, except for positive bad conduct, 'any havildar who was senior of his grade. He might be dirty, 'slovenly, litigious, the greatest dolt alive, no matter, he was 'sure to be promoted, provided there was no more serious 'charge against him, and he was senior of his rank! Then, by 'order of Sir William Gomm, any man to whom punishment 'had been awarded by his commanding officer might appeal 'against it to a court-martial,—a measure which put the finish-'ing stroke to all semblance of power in regimental officers.' These remarks are most just, and we entirely concur with Sir T. Seaton in thinking that this injudicious interference paved the way to the great outbreak of 1857. The sepoy, beginning to despise his own officers, ended by contemning the Government of which they were the fettered representatives.

In the close of the second volume, we have the author's account of his own adventures in the mutiny; of his taking the late 60th Native Infantry when in a half mutinous state from Umballa to Rohtuck, at the imminent risk of his life; of the rare tact by which he defeated all the machinations against him; of his part in the siege of Delhi: and, finally, of his operations after the siege at the head of one of the columns into which the force was divided. All these events are told in a dashing and off-hand manner, without any attempt at graces in diction or style, and constitute light and pleasant reading. The whole work is, indeed, the simple record of an adventurous career, interspersed with practical reflections on matters which have come within the cognizance of the writer. As such we recommend it to our military readers. The author is an honourable man and a good soldier, and we are confident that those of his friends who still remain in India will feel a sincere pleasure in meeting him on this new field.

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3. *Memories of Merton, by John Bruce Norton.* Madras, J. Higginbotham, Mount Road, 1865.

A late number of the *Saturday Review* affirms that there is this great advantage about modern poems that they are generallyshort. Mr. Norton's book is no exception to this rule. In the Memories of Merton, he has presented to the public a collection of two hundred and seventy-three sonnets on all imaginable subjects, and all of the same length. In his preface, Mr. Norton enters into a disquistion on the origin of the word sonnet, to prove that fourteen lines is the proper limit for poems of that nature, and he then proceeds to point out the inherent difficultes of that species of composition. 'The occurrence is not frequent,' he says, 'of

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'thoughts capable of being justly expressed in precisely fourteen 'lines, neither less nor more: for there must not be, on the 'one hand, any of what is technically termed *padding*, to eke out a 'meagre and scanty idea; nor, on the other, any obscurity or 'crabbedness, from an effort at brevity and compression. The 'sonnet, like a drama, should be complete in itself; and 'should flow on naturally, or at least with that art, which, in 'concealing its working, so successfully imitates Nature, that 'it is said to be the perfection of art.' If this canon be correct, it follows that the perfect sonnet is the most perfect form of the poetical composition, or to use the language of Boileau, quoted by Mr. Norton, 'un sonnet sans defaut vaut seul un long poem.' To enter upon such a task, therefore, implies either considerable confidence on the part of the author in his own powers, or a poetic impulse which knows no restraint.

On the general subject of sonnets, we would at the outset offer an opinion, which may prevent the admirers of that kind of poetry from reading further. We do not care for them. They often please the fancy, but they never touch the heart. If a sonnet of fourteen lines is a miniature poem in itself, its proportions must necessarily be dwarfed. There never can be in them that vivid painting, that roll of grand and stirring thoughts which in longer poems excites the imaginations and touches the soul. They can never be more than 'pretty.' We are well aware that we lay ourselves open to retort in promulgating such heretical notions, that the names of Shakespeare, of Petrarch, of Dante, of Camoens, and Milton, will be quoted to prove our want of perception of true poetry. It may be so. Other languages may be better adapted to the sonnet than English. But on that question, if we are in a minority, we are at least in good company. There must be something in an opinion that could enlist on its behalf advocates of two such opposite principles as Dr. Johnson and Lord Byron.

Judging in this sense, and regarding the epithet 'pretty' as the highest praise which an English sonnet is capable of attaining, we are very ready to admit that Mr. Norton has produced a successful book. His sonnets shew at all events a vivid appreciation of those finer feelings which long mixing with the world so often deadens and causes to decay. They display a mind sensible to pure and lofty ideas, and a power of expressing those ideas in refined and elegant versification. Admirers of sonnets will, we doubt not, find in this volume rich enjoyment. If we do not belong to that category, we can at least affirm from a perusal of its contents, that we should hail with pleasure any attempt made by Mr. Norton at a bolder versification.

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4. *Five hundred questions on the Social Condition of the Natives of India by the Rev. J. Long, of Calcutta. (A paper read before the Royal Asiatic Society.)* London, Trübner and Co., 60, Paternoster Row, 1865.

We have no hesitation in asserting that a copy of this little pamphlet ought to be in the hands of every European in India, and that, in their intercourse with the natives, it should be the constant endeavour of all to frame answers to the several queries contained in it. Those queries are most suggestive, embracing subjects of every kind calculated throw light on the people and the country. Not even a well-informed man can read them without being sensible of his own deficiencies, of the immense amount he has to learn in this respect. There are thirty-nine general subjects of which the following are the several headings:—1. Aborigines. 2. Agricultural classes. 3. Astrology and Witchcraft. 4. Beggars and Vagrants. 5. Calcutta. 6. Ceremonies, Rites. 7. Classes. 8. Commerce. 9. Conversation and Social Intercourse. 10. Criminal or dangerous classes. 11. Debating Societies. 12. Diseases. 13. Doctors. 14. Domestic. 15. Dramas—*Jatras*. 16. Dress. 17. Drinking habits. 18. Education in its social bearing. 19. Females. 20. Festivals. 21. Fishermen and Boatmen. 22. Food. 23. Houses. 24. *Keranis* or Native Clerks. 25. Language. 26. Language and Social State. 27. Marriages. 28. Miscellaneous. 29. Musulmans 30. The Native Press. 31. Pundits. 32. Proverbs. 33. Readers. 34. Recreations—Music. 35. Sects. 36. Servants. 37. Travelling 38. Vehicles. 39. Working classes.

It will thus be seen that every subject embracing the social life of the people has been taken up, and when we add that the questions on all these subjects are searching and exhaustive, we shall readily admit the conclusion, that the man who might be capable of answering all of them, would be able to write a complete history of the domestic life of the inhabitants of Hindustan. It is not to be expected however, that any one should be able to give an immediate answer to all these queries. Nor is that, as we understand it, the main object of the work. It is intended, we should imagine, to be rather suggestive. Let a man take up for instance the 18th subject, *viz.*, Education. On this, he will find twenty questions, all the answers to which are obtainable by a little study, and which when obtained, will give a complete illustration of the bearing of education on the social life of the natives. Now, the manner in which these questions are suggestive, is obvious. The 7th question, for example, enquires how far mental ignorance is productive of moral depravity.

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The answer to this would show the exact influence exercised by education in checking moral depravity. Again, the 9th question, *viz.*, is intemperance greater in proportion among the educated or uneducated classes,—would certainly suggest, as a part of the answer, that whilst the effect of education upon some classes has been to cause them to abjure their own superstitions, it has imbued a proportion of them with an uncontrollable passion for indulgence in European vices, and the mind would then be brought to consider the best means to be adopted to avoid such a result. But that is only one subject. There is none that is not pregnant with matter regarding which information is desirable. Mr. Long asks for the co-operation of the various classes of the community in obtaining answers to the queries propounded,—not only with the, as it appears to us, secondary view, of getting the information, but in order mainly to render more close the bond between the two nations. Thus he points out how Collectors, Magistrates, and Commissioners, 'would find the 'enquiry profitable to themselves, in promoting good feeling 'between them and the natives, deepening their interest in the 'country, and occasionally relieving the *tedium* of a solitary 'hour;' how European settlers 'would find these questions 'of use in gaining a better acquaintance with the social condi-'tion of the natives with whom they are thrown so much in 'contact; it would show them that natives can talk and think 'of other subjects besides rupees, while on the other hand, the 'natives would see that the *Sahibs* are not mere indigo, tea, and 'coffee producing machines, but take an interest in the welfare 'and condition of their dependents,—thus the asperities arising 'from antagonism of race would be softened.' Similarily, principals and teachers in schools and colleges, missionaries, students of the vernacular, and travellers, would, Mr. Long shows, gain great advantage from a careful study of these questions and their answers.

We entirely concur. The book should be in every one's possession. It is one of the best we have seen for a long time, and we are certain that the amount of good it is likely to effect is beyond calculation. Now is the time for those who really have the cause of the people at heart to aid Mr. Long in his zealous exertions. We are sorry to notice, that in this respect, there seems a lull in European society. There is an absence of a common ground of assembly between natives and Europeans. Would it not be possible to devise an institution affording greater opportunities for the interchange of intellectual ideas than the late Union Club, and at the same time as liberal in its plan?

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5. *Memorials of service in India. From the Correspondence of the late Major Samuel Charters Macpherson, C. B. Political Agent at Gowalior during the mutiny, and formerly employed in the suppression of human sacrifies in Orissa.* Edited by his brother, William Macpherson. With portrait and illustrations. London; John Murray, Albewaile Street, 1865.

Mr. Macpherson has written a very readable book. The greater portion is devoted to the successful suppression of human sacrifices in Orissa, by his brother, between the years 1842 and 1847. In this respect, the mild and pacific measures adopted by Major Macpherson have been completely successful, and the subject would probably have not been treated at so great a length, but for the fact, that at the very moment when his plans were producing their natural fruit, Major Macpherson was removed from his appointment on the one-sided representation of a Brigadier John Campbell, of the Madras army, by the President of the Council, Sir Herbert Maddock, and placed, as it were, on his trial. The enquiry that followed, conducted by Mr., now Sir J. P. Grant, terminated in the full and complete acquittal of Major Macpherson. On its conclusion, Lord Dalhousie sent for him; 'and after saying he was sensible that nothing could ever 'compensate for the treatment which he had undergone, assured 'him, on behalf of every member of the Government, that to 'mark their undiminished confidence in him, he should be 'appointed to a suitable office in the political department, as 'soon as his health, (then entirely broken, and requiring his 'immediate return to Europe) would enable him to accept it.' Mr. Macpherson adds:—'It would have been unnecessary to 'dwell upon these events, but for the conduct of General 'Campbell, who thought fit, in the year succeeding Major 'Macpherson's death, to re-produce these accusations, and to 'assert their truth, without even alluding to the enquiry or its 'results; as these charges in no way concerned General 'Campbell or his services, their gratuitous revival by him so 'many years after the Government had pronounced an honour-'able acquittal, and so immediately after Major Macpherson 'had been removed by death, bespeaks a feeling which is rare, 'indeed, among British officers.'

But to the living generation, the most interesting part of the book is that, in which the story is told of the manner in which Major Macpherson, from the fort in Agra, directed the movements of Scindia during the mutiny. We have not space to give it entire, and any abridgement would spoil it. It forms an episode which must be consulted by the historian of the outbreak. To Dinkur Rao, the illustrious Dewan of the

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Maharaja, Major Macpherson is always just. He constantly speaks of him as 'a man of rare genius and noble mind,' and admits that 'to him everything was due.' Nor does he paint in too dark colours the wayward and too facile character of the Maharaja. Subsequent events have fully proved that he was judged with great accuracy and discernment, in 1859-60, by both the Dewan and the Agent.

We regret that we are unable to give longer extracts from this interesting narrative. Further opportunities will doubtless, however, be afforded of reviewing the work at greater length in connection with others of a similar character.

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6. *Narrative of an expedition to the Zambesi and its tributaries, and of the discovery of the Lakes Shirva and Nyassa from* 1858 *to* 1864. *By David and Charles Livingstone, with Map and Illustrations.* London, John Murray, Albemarle Street, 1865.

THE recent adventures of Captains Speke and Grant have drawn the attention of Indian officers in a special degree to stories of African adventure. No apology, therefore, is needed for drawing their attention to this most entertaining volume. Dr. Livingstone, indeed, enjoys an advantage which was denied to the two Indian travellers, for, with powers of observation at least equal to theirs, he is a pleasant and graceful writer. One never wearies over pages in which the descriptive is blended so naturally with the information that enlightens, and with the knowledge which instructs. A higher purpose than mere love of adventure and discovery seems too to have animated all Dr. Livingstone's efforts. 'It has been my object in this work,' he tells us in the preface, 'to give as clear an account as I was 'able of the tracts of country previously unexplored, with their 'river systems, natural productions and capabilities, and to 'bring before my countrymen, and all others interested in the 'cause of humanity, the misery entailed by the slave-trade in 'its inland phases; a subject, on which I and my companions 'are the first who have had any opportunities of forming a 'judgment.' In this miserable traffic, the Portuguese are the greatest offenders, and with such barbarity is it managed, that not more than one in every five of the captured slaves reaches his destination alive. To the noble efforts of England, encouraged and supported by the ministries of all parties, to put a stop to this traffic, Dr. Livingstone does full justice. Hitherto, however, the claims of Portugal to paramount sovereignty over a great portion of the seaboard of Africa, though absurd in themselves, have been admitted by our Government, and this admission has militated much against the success of our efforts.

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The triumph of the North in the civil war in America, and the removal of the shackles from the slave in the South, have however, already borne good fruit; the young King of Portual, having introduced a law for the abolition of slavery in his dominions, and the Spanish Cortes having likewise decreed its extinction in the island of Cuba.

Incorporated with Dr. Livingstone's account of the expedition, is the journal of Mr. Charles Livingstone, full of fresh and keen observation. Dr. Livingstone was rightly of opinion, that the strange scenes they encountered would be more vividly described by one who met them for the first time, than by an old traveller such as himself. 'It is,' he says, 'by the little acts and words of every day life, that character is truly and best known.' His conversation with the natives, recorded at the moment by Mr. C. Livingstone, are thus full of their original freshness, and enable the ordinary reader to form an opinion of them, almost as trustworthy as that of the travellers themselves. The results obtained in this expedition are more solid than shining. The capabilities of the Zambezi as a means of transit to the fertile highlands of the interior, were placed beyond a doubt. The fertility of the soil was proved by its production of indigo and cotton,—the latter of a very superior quality, and capable of being advantageously cultivated to any extent. Tobacco and the castor oil plant were often found self-growing, and sugarcane, though not a self-planter, 'blossoms, and when cultivated in rich 'loams, grows without manure, as large as that which can only be 'reared by the help of guano in the Mauritius and Bourbon.'

The fertility of the highlands appears to be wonderful. Here, we learn, 'the natural grasses are less luxuriant, but the average crop is as heavy as could be obtained from rich meadow-land in England. This self-grown pasturage, which extends over hundreds of miles of grassy valley and open woodland, is, the best in Africa. This was shewn by the cattle, which were left almost in a wild state, becoming so fat and lazy, that bulls allowed the boys to play with them and to jump on their backs. We have seen cows feeding on grass alone become as heavy as prize beasts.'

Yet the bright hopefulness caused by this and other proofs of the fertility of the soil of Africa, and by the temperate nature of the climate in the highlands, appears to have been clouded by the sight of the miseries caused by the iniquitous slave-trade. 'We have,' writes Dr. Livingstone, 'the system nearest that of 'justice, indeed the only one that approaches it, when the 'criminal is sold for his crimes. Then, on the plea of witch-'craft, the child taken from the poorer classes of parents as a

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'fine, or to pay a debt, or sold to a travelling native slave-dealer. 'Then, children kidnapped by a single robber, or by a gang 'going from their own village to neighbouring hamlets, to 'steal the children who are out drawing water, or gathering 'wood. We have seen places where every house was a stockade, 'and yet, the people were not safe.' Then, after a few other modes employed, he comes to the final, and to the Europeans, the most degrading of all. 'Trading parties are sent out from 'Portuguese and Arab coast towns, with large quantities of 'muskets, ammunition, cloth and beads. The two last articles are 'used for paying their way during the earlier part of the journey 'from the coast, and for the purchase of ivory. From a great 'number of the cases we have examined, these slaving parties seem 'to preserve the mercantile character for a large portion of the 'trip. They usually settle down with some chieftain, and cul-'vate the soil: but we know of no instance in which they have 'not, at one part of their journey, joined one tribe in attacking 'another, for the sake of the captives they would take. This is 'so frequent an occurrence, that the system causes a frightful 'loss of life.'

We would quote, had we time, Dr. Livingstone's admirable remarks, in which, we need not say, we concur, expressive of his disbelief in the incapacity of the African, in either mind or heart. Those generous words commend themselves to the consideration of all men, more especially of those who pride themselves on the superiority of race in this country. If good works are the test of faith, then, as surely, are good deeds the only test of the real superiority of man. This is a fact which no one who is unprejudiced can deny, and the appreciation of which is becoming daily more widely spread in the world. There could be no more fitting conclusion to this record of African travel, than this noble endeavour to strike a blow for the emancipation of the long oppressed race which cultivates Africa's soil.

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